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TWENTIETH REPORT

OF THE

BOARD OF RAILROAD COMMISSIONERS,

STATE OF KANSAS,

For the Years ending November 30, 1907,
and November 30, 1908.

Commissioners:

G. W. KANAVEL, *Chairman.*
C. A. RYKER.
F. J. RYAN.

E. C. SHINER, *Secretary and Rate Clerk.*
J. A. GIBBS, *Stenographer.*

STATE PRINTING OFFICE,
TOPEKA, 1908.
2062

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LETTER OF TRANSMITTAL.

OFFICE OF THE BOARD OF RAILROAD COMMISSIONERS,
TOPEKA, KAN., December 1, 1908.

To Hon. E. W. Hoch, Governor:

We herewith submit our twentieth report, covering the fiscal years 1907 and 1908. Respectfully,

G. W. KANAVEL, Chairman,
C. A. RYKER,
F. J. RYAN,
Commissioners.

Attest: E. C. SHINER, *Secretary.*

PART I.

PETITIONS, COMPLAINTS, DECISIONS, AND OFFICIAL CORRESPONDENCE.

PETITIONS, COMPLAINTS, AND DECISIONS.

No. 430.—Filed April 7, 1905.

RAILROAD CROSSING.

Kansas City Belt Rly. Co. *vs.* Kansas City Southern Rly. Co.

The Kansas City Belt Railway Company, by Angevine & Cubbison, its attorneys, filed an application for permission to cross the tracks of the Kansas City Southern Railway Company at or near Fifth street, in Kansas City, Kan., such crossing to be made in the manner and upon the terms to be fixed by the Board after due hearing in the premises.

Upon the joining of issues and due notice to interested parties, the Board met at Kansas City, Kan., on May 11, 1905, and entered upon a hearing of the action. After such hearing, and on July 12, 1905, upon request of parties thereto, the making of any order in the premises was indefinitely continued.

On January 1, 1906, the case was closed on the dockets of the Board.

No. 442.—Filed May 10, 1905.

CONNECTING TRACK.

A. J. Holderman, Mayor, *vs.* A. T. & S. F. Rly. Co. and Mo. Pac. Rly. Co.

A. J. Holderman, as mayor, and forty-five other citizens of the city of El Dorado, petitioned the Board to require the Atchison, Topeka & Santa Fe Railway Company and the Missouri Pacific Railway Company to construct a switch connection between their main lines at said city for the purpose of facilitating the interchange of car-load traffic.

Upon receipt of answers of the respondent companies to such petition, and due notice to all interested parties, the Board set Wednesday, November 24, 1906, at El Dorado, Kan., as a time and place for hearing of the issues joined, and after due hearing in the premises the Board made the following findings and order:

"On Wednesday, November 24, 1906, upon due notice to all interested parties, the Board met at El Dorado, Kan., and entered upon a hearing on the above-entitled action. Present: A. D. Walker, George W. Wheatley and J. W. Robison, commissioners. The complainants appeared in person and by attorney and the respondent companies by representatives of their legal and traffic departments.

"Thereupon the parties hereto introduced their evidence, and by agreement the further hearing of the case was continued to November 27, 1906, at the office of the Board, in Topeka, Kan. On said day, the parties appearing as before, the further introduction of evidence and argument of counsel was concluded and the Board took the matter of its decision in the premises under advisement.

"Now, on this 11th day of December, 1906, the Board being fully advised in the premises, finds that the public necessity for the construction of a Y or connecting track at El Dorado, Kan., as prayed for by complainant herein, is not sufficient to warrant the Board in ordering the respondent companies to construct and maintain the same.

"It is therefore ordered by the Board that the complaint filed herein be and it is hereby dismissed."

No. 466.—Filed July 14, 1905.

COAL RATES.

The State of Kansas, *ex rel.* Carr W. Taylor, Attorney for the Board of Railroad Commissioners of the State of Kansas, *vs.* The Atchison, Topeka & Santa Fe Rly. Co., The Burlington & Missouri River Rld. Co., The Chicago, Rock Island & Pacific Rly. Co., The Kansas Southwestern Rly. Co., The Kansas City Southern Rly. Co., The Kansas City, Mexico & Orient Rly. Co., The Leavenworth & Topeka Rly. Co., The Missouri, Kansas & Texas Rly. Co., The Missouri Pacific Rly. Co., The St. Joseph & Grand Island Rly. Co., The St. Louis & San Francisco Rld. Co., The Union Pacific Rld. Co., and The Leavenworth, Kansas & Western Rld. Co.

On July 14, 1905, Carr W. Taylor, attorney for the Board of Railroad Commissioners of the state of Kansas, filed with said Board a petition, which was in words and figures as follows:

"Comes now Carr W. Taylor, attorney for the Board of Railroad Commissioners of the state of Kansas, and, by virtue of the authority vested in him by law, avers and says that said defendant railroad companies are corporations having, owning, operating and using railway lines and doing business as common carriers within the state of Kansas, and that each of said defendants is subject to the jurisdiction of the Board of Railroad Commissioners of said state.

"The complainant further avers and says that the said defendants own and operate wholly within the state of Kansas as aforesaid a total mileage of 8677.01, as more fully appears by a table taken from the report of said companies to the said Board of Railroad Commissioners for the year ending June 30, 1904, which is attached hereto, made a part hereof, and marked 'Exhibit A.'

"Complainant further says and avers that there are three coal-fields in the state of Kansas, namely, Pittsburg, Osage and Leavenworth fields; that said coal-fields are extensively and continuously worked and annually produce a very large portion of the coal consumed within the state of Kansas; and complainant further avers that the total tonnage in coal handled from the above-mentioned coal-fields by the defendant railway lines herein amounts to 20.16 per cent. per annum of the aggregate total of the tonnage carried by the railroads within the state of Kansas, as more fully appears from the table taken from the reports of said companies to the Board of Railroad Commissioners of the state of Kansas for the year ending June 30, 1904, a copy of which is attached hereto, made a part hereof, and marked 'Exhibit B.'

"*Second.* Complainant further avers and says that coal is one of the lowest classes of commodities carried by railroad companies; that the risk to the carrier in its transportation is exceedingly small because of its character and low value per ton; that coal is handled in train-loads and car-loads, at very slight relative expense to the carrier as compared to other classes of freight, and in most instances, complainant avers,

that the coal traffic is handled by the railroad companies at their convenience.

"Complainant further avers and says that the cost of maintenance and operation of the respective lines of railway owned by the defendants as aforesaid in this state is, as compared with the maintenance and cost of operation of railway lines in other states, less expensive to the said defendant companies; that the topography of the state of Kansas, through and across which the defendants' lines of railway are constructed, is comparatively level and very free from heavy grades, and complainant specifically avers that the cost of railway construction and maintenance in the state of Kansas is considerably less per mile than in any of the trans-Mississippi states; that because of the above and foregoing facts the lines of railway owned and operated by the above-named defendants have been immensely profitable, as shown by their verified reports to the Board of Railroad Commissioners of the state of Kansas for the year ending June 30, 1904, which said report shows an income from operation within the state of Kansas of $18,510,868.27, with a percentage of operating expenses to earnings of 67.44, as more fully appears by table attached hereto, made a part hereof, and marked 'Exhibit C.'

"Complainant further says and avers that, notwithstanding the low cost of maintenance and operation of the respective lines of railway of the above-named defendants within the state of Kansas, the said defendant companies have for many years last past and are now maintaining unreasonable, unjust and discriminatively high rates for the transportation of coal, slack and lump, within the state of Kansas, from the coal-fields above mentioned.

"Complainant further says that there are great railway systems in the United States whose entire traffic, including high class as well as low class, that carried in less than car-loads as well as that in car-loads, yields a per-ton-per-mile revenue less than that produced by the coal rates charged within the state of Kansas by the said defendants, and which have nevertheless shown a fair net income over the cost of operation to such systems.

"Complainant, in conclusion, further avers and says that, by reason of the above and foregoing facts, the rates for the carriage of coal now maintained by the defendant companies are unreasonably high, unlawful, unjust, and discriminative against the commercial, manufacturing and business interests of the state; that by reason of such unlawful and unjust discrimination the growth of the cities and towns and the manufacturing and commercial interests within the state has been and is greatly retarded.

"Wherefore, complainant prays that the defendants and each of them be forthwith notified of the filing of this complaint, and that if the said defendants fail to make a reasonable reduction of the coal rates upon their respective lines in the state of Kansas within the time prescribed by law, then in such case that this honorable Board set this complaint for hearing, and that upon a full and impartial trial thereof that said Board make an order finding that the coal rates now maintained in the state of Kansas are unreasonable, unjust, and a discrimination against the citizens of this state; and complainant prays said Board to make an order fixing reasonable rates for the transportation of coal, lump and slack, to all points on the respective lines owned and operated by the said defendants within the state of Kansas, and for such other and further findings and orders as may be just and reasonable in the premises."

Copies of this petition were forwarded to the legal departments of the various respondent companies with the request that they answer thereto under the rules of the Board.

Upon the joining of issues, and after a legal hearing in the premises, the Board made the following findings and order:

"The complaint in this case was filed on the 15th day of July, 1905. After the joining of issues herein, and due notice to all interested parties, the Board met at its office in Topeka, Kan., on the 3d day of November, 1905, and entered upon the hearing of the above-entitled action, the complainant appearing by Carr W. Taylor, attorney for the Board, and the respondents by representatives of their legal and traffic departments. After the hearing of the evidence, the case was continued to the 24th day of November, 1905. On said day, the Board being in session at its office in Topeka, Kan., and parties appearing as before, the hearing of the evidence and argument of counsel were concluded and the matter of the Board's decision in the premises was taken under advisement.

"Now on this 21st day of December, 1905, after being fully advised in the premises, the Board finds:

"*First.* That the present rate on slack coal, car-loads, from the Pittsburg and Leavenworth coal-fields to stations in Kansas, and on lump coal, where the present rate is not in excess of fifty cents per ton, are reasonable.

"*Second.* That the material allegations in the complaint herein are true except as herein modified as regards the rates on lump coal.

"*Third.* That a reasonable rate for the transportation of lump coal in car-loads, from the Pittsburg and Leavenworth, Kan., fields, to stations in Kansas, would be one mill per ton per mile less than the present rate effective for the transportation of such commodity, except where the present rate is seven mills per ton per mile or less, or where the rate is fifty cents per ton or less.

"It is therefore ordered by the Board that on or before January 21, 1906, the respondents herein establish and maintain effective a rate for the transportation of coal from the Pittsburg, Kan., coal-field and from the Leavenworth, Kan., coal-field, to stations in Kansas, which shall be a reduction of one mill per ton per mile in the present coal rates effective for such transportation service, with a minimum of seven mills per ton per mile. Where the present rates are seven mills or less per ton per mile, they shall remain effective; provided, that where the present rate from the Pittsburg or Leavenworth, Kan., coal-fields, to any station in Kansas is fifty cents or less per ton, there shall be no reduction in said rate.

"It is further ordered that where the reduction of one mill per ton per mile results in fractions of a cent, where the fraction is one-half or less it shall be dropped, and where it is in excess of one-half of one cent, the next whole number above shall be used."

An appeal was taken from this order to the United States circuit court for the district of Kansas, first division, and on January 3, 1907, thereafter, the following compromise was entered into between the Board and the respondent companies:

"For and in consideration of the reductions heretofore made in the rates on salt and for the considerations hereinafter mentioned, it is hereby stipulated and agreed between the parties in the above-entitled cause that all matters in litigation shall be and are hereby compromised, settled and adjusted upon the following terms and conditions:

"*First.* A decree shall be entered in said court setting aside, vacating and holding for naught all the orders heretofore made by said Board of Railroad Commissioners complained of in the complaint filed in said consolidated cause.

"*Second.* The cost of said cause shall be taxed to the complainant.

"*Third.* The said complainant and all other railroad companies interested in said consolidated cause shall immediately, or as soon as it is

practicable to prepare and publish the necessary tariffs, put into effect a reduction of rates on shipments of coal between points in the state of Kansas at least equal to the reduction ordered to be made by said Board in the order reducing coal rates complained of in said bill of complaint.

"*Fourth.* The said railroad companies shall also in like manner put into effect a tariff reducing the rates on shipments of paper from Missouri river points to the points designated by said Board in the order complained of reducing the rates then existing from 36 cents per cwt. to 30 cents per cwt. to said points, and to make such adjustments of intervening rates as may be necessary to carry such reductions into effect.

"*Fifth.* The said railroad companies shall also in like manner put into effect a reduction in their rates on grain from points in Kansas to Missouri River points so as to reduce the rate existing at the time the order of said Board was made at least one-half a cent per cwt. on all shipments of wheat and other articles taking wheat rates under present tariffs, in car-load lots, where the rate then existing was eight cents up to points where the rate then existing was thirteen and one-half cents, inclusive, and a reduction of not less than one cent per cwt. from all points where the rate at that time was fourteen cents or more, and shall make a similar reduction upon shipments of corn and articles taking corn rates under present tariffs from all points where by the terms of this agreement reductions are to be made on wheat and wheat products.

"*Sixth.* A copy of this stipulation shall be filed in the office of the Board of Railroad Commissioners and made a part of the records of said office.

"Dated at Topeka, Kan., this 3d day of January, 1907.

"J. W. ROBISON,
"A. D. WALKER,
"G. W. WHEATLEY,
Members of the Board.

"CARR W. TAYLOR,
Attorney for the Board.

"C. C. COLEMAN,
Attorney-general.

"A. E. HELM,
Of Counsel."

A. A. HURD,
FRANK DOSTER,
Solicitors for Complainants."

No. 469.—Filed July 17, 1905.

PASSENGER SERVICE.

T. J. Ryan, Mayor, *vs.* U. P. Rld. Co.

T. J. Ryan, mayor of St. Marys, Kan., filed a petition asking that the Board require the Union Pacific Railroad Company to stop its passenger-trains Nos. 101 and 102 at that station for the receipt and discharge of passengers.

To this complaint the respondent answered as follows:

"Now comes defendant, and for answer to the complaint in the above-entitled cause says, that trains Nos. 101 and 102 are limited fast-mail trains, and that in order to make their schedule time it is necessary that the number of stops for said trains be reduced to the minimum.

"Defendant further says, that the town of St. Marys now has three passenger-trains per day each way, which stop at that place; that train No. 105, which stops at St. Marys, is due at that point at 7:34 P. M., which is only one hour and six minutes before the time at which No. 101 is scheduled to pass that point; that train No. 106, which stops at St. Marys, is due at that point at 7:05 A. M., which is only 46 minutes later than the time at which No. 102 is due to pass St. Marys; defendant

further alleges that train No. 102 does stop at St. Marys for passengers holding tickets to points east of Kansas City.

"Defendant further alleges that trains 101 and 105 are west-bound trains and that trains 102 and 106 are east-bound trains, and that it would be unreasonable and unjust to require defendant to stop trains 101 and 102 at St. Marys, in view of the fact that those trains are scheduled to pass St. Marys so near the time at which trains 105 and 106 are due to stop at that point.

"Defendant further alleges that the trains that do stop at St. Marys are amply sufficient to take care of all the business at that point, and that the passenger service furnished said town is sufficient in all respects for its needs."

Issues herein being joined, the Board set Tuesday, September 27, two o'clock, at its office, in the state-house, as a time and place for a hearing in the premises. On said date, upon request of parties hereto, the hearing was continued to October 24, 1905.

Before such day of hearing had arrived, the respondent company advised the Board that if the complainants would dismiss their action it would stop its train No. 101 to let off all passengers holding tickets for St. Marys purchased at points east of Kansas City; and upon receipt of advice from complainant that such concession on the part of the respondent afforded material relief in the premises, and was fairly satisfactory, the case was closed.

No. 484.—Filed September 16, 1905.

DELIVERY OF FREIGHT.

E. M. Collins *vs.* C. B. & Q. Rly. Co.

E. M. Collins, of Jaqua, Kan., alleges that the freight service afforded by the respondent company on its Beaver Valley branch is insufficient, in that consignments are delayed in transit an unreasonable length of time.

A copy of this complaint was forwarded to the legal department of the respondent company, with the request that it take such action in the premises as would afford relief from the conditions complained of, and upon receipt of a communication from Mr. G. W. Holdridge, general manager of such respondent, that he had instructed the general superintendent to take the necessary action to remedy the conditions complained of, the case was closed.

No. 494.—Filed October 31, 1905.

MAIL SERVICE.

George W. Moore *vs.* Mo. Pac. Rly. Co.

Geo. W. Moore, of Denison, Kan., complained of insufficient mail service afforded by the Missouri Pacific Railway Company at that station.

A copy of this complaint was forwarded to Hon. Frank Doster, attorney for the respondent company, with the statement that while the Board recognized its lack of jurisdiction over the subject-matter of the

complaint, it thought proper to refer the matter to the management of the respondent with the hope that they might see their way clear to rectify the service complained of, and with the request that he advise the Board of the attitude of his company in the premises.

To this complaint the respondent company answered as follows:

"Defendant, The Missouri Pacific Railway Company, for answer to the complaint of George H. Moore, complainant above, says: that for many years last past it has operated, and still continues to operate, a mail-train running from the state of Missouri into and through the town of Denison, Jackson county, Kansas, to the state of Colorado; that prior to May 7, 1905, said train was known as train No. 91, and was due to arrive at Denison at 11:37 o'clock A. M.; said defendant says that in order to the proper conduct of its mail and passenger service on its said line of road it did, on May 7, 1905, withdraw said train known as train No. 91, which arrived at said station of Denison at 11:37 o'clock A. M., and substituted therefor train No. 503, which is scheduled to and does arrive at said station of Denison at 11:43 o'clock A. M., but six minutes later than said substituted train No. 91.

"Defendant specifically denies that a delay of one-half hour in the delivery of mail, as alleged by the complainant above, or any other length of time in excess of six minutes, is caused by the change of schedule so as aforesaid set forth.

"Wherefore, defendant prays that the complaint herein be dismissed, and that it be allowed to go hence without any order made on it in the premises."

A copy of such answer was forwarded to complainant, with statement that inasmuch as the Board has no jurisdiction to require the respondent to grant the relief prayed for the case had been closed on the dockets.

No. 503.—Filed December 4, 1905.

DEPOT.

W. H. Wyckoff *vs.* M. K. & T. Rly. Co.

W. H. Wyckoff, of Burlington, Kan., filed a complaint asking the Board to require the Missouri, Kansas & Texas Railway Company to construct a depot building at its station of Wyckoff.

A copy of such complaint was forwarded to Hon. John Madden, attorney for the respondent company, with the request that he take the matter up with the management of his company, with a view to securing for the complainant the relief prayed for.

After considerable correspondence in the premises, and on March 17, 1906, the following communication was received from Mr. Madden:

"I am to-day in receipt of a letter from our general superintendent, saying that the company is arranging to put in a small depot at Wyckoff, and that they hope to have it in within a short time."

A copy of this communication was forwarded to complainant and the case closed.

No. 517.—Filed February 14, 1906.

HIGHWAY CROSSING.

The Mayor and Council of Peru, Kan., *vs.* A. T. & S. F. Rly. Co.

The mayor and council of the city of Peru, Kan., filed a complaint asking the Board to require the Atchison, Topeka & Santa Fe Railway Company to grant it permission to lay out and construct a highway crossing over its right of way and tracks in said city.

A copy of said complaint was forwarded to the legal department of the respondent company, and such company answered thereto as follows:

"Again referring to the matter of the establishment of a crossing at Peru, Kan., as asked for by the city council of that city, I have to say that upon a careful investigation of this matter I am inclined to the opinion that your Board does not possess jurisdiction or authority to grant the relief asked for by the city. It occurs to me that under the provisions of the law with reference to cities, ample authority is conferred upon the council to take all necessary steps and actions with reference to opening and extending streets within the limits of such city, and I think this matter should take its usual course and the city proceed according to the statutes governing such matters. However, it appears that the east end of the depot of the company at Peru extends for about three-quarters of the distance across Main street, or what would be Main street should that street be opened and extended according to the request of the city. The company would seriously object to opening and extending this street unless it is reimbursed for all of the damages which would accrue to it by reason of the taking of its property and the removal of the depot. It seems to have been suggested that the street be opened only for the width now occupied by the platform of the company. This would be very objectionable. If it is to be opened at all it should be for the entire width of the street as now opened and used, and be of the same width as the street now is on either side of the property of the company. I think if any steps are taken to open this street the company should be fully paid and reimbursed for all of its damages which would necessarily be incurred by the taking of its property and the opening of the street, and should it be deemed advisable by the city council to open and extend the street and the city is willing to pay the necessary damages and expense therefor, in all probability there will be no objections in so far as the company is concerned. I think, under the circumstances, however, the city should be required to proceed under the authority now conferred upon cities for such purposes, and not ask your honorable Board to make any orders with reference thereto."

A copy of such answer was transmitted to the complainant, and the Board held that the jurisdictional question raised by the respondent was well taken and the case was closed.

No. 519.—Filed February 21, 1906.

DEPOT AND AGENT.

Frank X. Wilson, Trustee, *vs.* Mo. Pac. Rly. Co.

Frank X. Wilson, trustee, by A. S. Foulks, his attorney, petitioned the Board to require the Missouri Pacific Railway Company to construct a depot and maintain an agent at the station of Arnold, Kan.

To this complaint the respondent company answered as follows:

"We have the honor to say that the Missouri Pacific management has

had the renewed application of Mr. Frank X. Wilson *et al.* for the establishment of a depot at Arnold, Ness county, Kansas, copy of which was furnished us under your date of the 1st instant, under consideration, and has again reached the conclusion that the amount of business done there, and, in view of the past, reasonably to be anticipated in the future, does not justify the expense of establishing a station building and the installation of an agent, as Mr. Wilson desires. We beg to renew the statements contained in our letter to your office of date November 18, 1905, in which we called attention to the fact that the station named is midway between the towns of Ransom and Utica, Ransom being 6.42 miles to the east and Utica 6.52 miles to the west. So, therefore, many who are tributary to the station of Arnold are served, though admittedly with less convenience to themselves, by the stations named to the east and west.

"Without being prepared to admit the correctness of the statistics of grain shipments from Arnold station, as set forth in the renewed complaint of Mr. Wilson, we are of the opinion that such statement is substantially correct, though as to that matter we require verification and proof. However, it must be borne in mind that the freight shipments from a station do not represent the earnings on such shipments properly to be credited to such station, for the reason that such earnings, by any proper system of accounting, are to be distributed and credited to the entire railway system. No one station is to be credited with the entire revenue on shipments from such station. If Arnold station were to receive during a year shipments of grain or other commodities of the same class shipped from it to an amount equal to the outgoing shipments, so that the shipments out and the shipments in approximately balanced, whereby the revenue on shipments out of Arnold and distributed over the entire system could be balanced against revenue on shipments to Arnold from other points, such figures as Mr. Wilson sets forth in his complaint might furnish some basis for an equitable claim on the company for the establishment of a station. Otherwise not. In that connection we beg to again state that the entire revenue from freight received at Arnold station, representing the entire Missouri Pacific system earnings, from the point of origin to the point of destination, amounted in the year 1904 to only $312.52.

"For the reasons set forth in our letter to your office of November 18 last, we beg to say on behalf of the Missouri Pacific management that it is unable to comply with the request contained in the renewed application for station facilities at Arnold."

Upon due hearing in the premises the Board made the following findings and order:

"On Wednesday, May 16, 1906, upon due notice to all interested parties, the Board met at Arnold, Kan., and entered upon a hearing of the above-entitled action. After hearing the evidence presented, further hearing of the case was continued, and on Tuesday, June 12, 1906, the hearing of testimony and arguments of counsel were concluded at the office of the Board, in Topeka, Kan.

"And now, on this 14th day of August, 1906, after having fully advised itself in the premises, the Board finds that the amount of freight and passenger business at and tributary to Arnold, Kan., warrants, and the public necessities of that vicinity demand, that the respondent, the Missouri Pacific Railway Company, construct a depot building at said station of sufficient size to accommodate its patrons, and install and maintain an agent thereat.

"It is therefore ordered by the Board that within ninety days from this date the respondent, the Missouri Pacific Railway Company, construct a depot building at Arnold, Kan., of sufficient size to accommodate its patrons at said station, and forthwith install and maintain an agent thereat."

No. 526.—Filed April 13, 1906.

TELEGRAPH OPERATOR.

Edgar M. Smith *et al. vs.* Mo. Pac. Rly. Co.

Edgar M. Smith and twenty-three others, citizens of Bigelow, Kan., and vicinity, filed their petition asking an order of the Board requiring the Missouri Pacific Railway Company to establish a telegraph office at such station.

To this complaint the respondent company answered as follows:

"The defendant, for answer to the complaint herein, says that it does not have, own or control a line of telegraph extending to and through the station of Bigelow mentioned in said complaint, nor along the Central Branch line of its road; that the telegraph line along its said Central Branch road, and to and through said station of Bigelow, is owned, operated and controlled by the Western Union Telegraph Company, and in no wise by the defendant herein, and said defendant does not have by law or by contract any right of control of said Western Union Telegraph Company as to the establishment of telegraph stations and the installation of telegraph agents for the transaction of any commercial business whatever; that said defendant has no contract with said Western Union Telegraph Company except in relation to the sending and receipt of telegraphic messages concerning the movement of trains and the operation of its said line of road, and has no power by law or by contract to require the said Western Union Telegraph Company to maintain a telegraph agency at said station of Bigelow for commercial purposes; that the maintenance of a telegraph agency at said station of Bigelow is in no wise necessary to the management or conduct of its train service or the operation of its line of road in any respect whatever, and any telegraph agency heretofore maintained by this defendant at said station of Bigelow has been a gratuity and accommodation by it to the citizens at and in the vicinity of said station and not in pursuance of any law or contract obligation, and has been paid for and maintained at a continued loss to itself.

"And said defendant says that the Honorable Board of Railroad Commissioners does not have any jurisdiction or power to require it to establish and maintain a telegraph agency for commercial purposes at said station of Bigelow.

"Wherefore, said defendant prays that said complainants take nothing by their complaint, and that said complaint be dismissed."

A copy of such answer was forwarded to the complainant, with the statement that in the opinion of the Board the jurisdictional question raised by the respondent was well taken, and the case was closed on the dockets.

No. 532.—Filed May 16, 1906.

AGENT.

P. H. Mahon, Trustee, *et al., vs.* Mo. Pac. Rly. Co.

P. H. Mahon and sixty-one others, citizens of Lawrence township, in Cloud county, Kansas, filed a petition asking the Board to require the Missouri Pacific Railway Company to reopen its depot and establish an agent at the station of Rice.

To this petition the respondent company answered, declining to re-

open such depot and reëstablish an agency, and after due hearing in the premises the Board made the following findings and order:

"Pursuant to notice previously given and served upon the parties hereto, the Board met at Rice, Kan., on December 3, 1906, at ten A. M., and proceeded with the hearing.

"After an inspection of the premises and territory tributary to said station and hearing the evidence in the case, the Board is of the opinion that the traffic in both freight and passenger tributary to said station is sufficient to justify the respondent, the Missouri Pacific Railway Company, in establishing and maintaining an agent at the station of Rice, Kan.

It is therefore ordered by the Board that the respondent, the Missouri Pacific Railway Company, establish and maintain an agent at the station of Rice, Kan., such agent to be installed within sixty days from this date.

"Dated December 4, 1906."

No. 536.—Filed June 8, 1906.

ADDITIONAL PASSENGER-TRAIN SERVICE.

Mayors of Howard, Severy, Eureka, Madison, Hamilton and Emporia *vs.* A. T. & S. F. Rly. Co.

The above-named complainants filed their respective petitions asking an order of the Board requiring the Atchison, Topeka & Santa Fe Railway Company to establish Sunday passenger-train service on its line from Severy to Moline, Kan.

To these complaints Mr. J. E. Hurley, general manager of the respondent company, answered as follows:

"I am returning herewith letter from the Board of Railroad Commissioners, received with your notation of June 18, relative to establishment of Sunday passenger-train service between Emporia and Moline. I have gone carefully into this matter, and find that we would lose money by putting on this train. The additional expense of putting on such a train will be about $175 per month, while the estimates of the agents at the several stations between Emporia and Moline show that the passenger business would be very slight.

"I am quite sure the Board, on knowing the conditions, will not insist upon a compliance with the request of the mayor of Emporia."

After a further personal investigation of the merits of the petitions, the Board advised the complainants that it did not feel warranted in taking further or formal action in the premises.

No. 537.—Filed June 7, 1906.

DEPOT AND CROSSING.

W. C. Noller *vs.* C. R. I. & P. Rly. Co.

W. C. Noller asks an order of the Board requiring the Chicago, Rock Island & Pacific Railway Company to construct a crossing over its right of way and tracks at McFarland.

To this complaint the respondent company answered as follows:

"I am in receipt of yours of the 5th instant, covering copy of complaint of W. C. Noller, of McFarland, respecting railroad-crossings in

that town. The statement that the depot is not accessible to the public and that the crossing to it is one-half mile from it is not true. McFarland is situated at the junction of our northwest and southwest lines. The company maintains at that point a terminal yard, where trains are made up for the different lines. To force a crossing through this yard would practically destroy its usefulness, and would confer no corresponding benefit upon the people of that small hamlet. Ninety-nine per cent. of the people of Topeka have to go much further to reach passenger and freight stations in this city than do the people of McFarland to reach the station at that point."

A copy of such answer was forwarded to the complainants, with the statement that under the advice of the attorney-general the Board had decided that the matter of highway-crossings over railroad right of way and tracks was one over which it had no jurisdiction—jurisdiction over the subject-matter of such a complaint lying before the county officials.

No. 538.—Filed June 19, 1906.

RECOVERY OF OVERCHARGE.

O. L. Thisler *vs.* U. P. Rld. Co.

O. L. Thisler, of Chapman, Kan., asks an order of the Board requiring the Union Pacific Railroad Company to refund him $13.75 expense incurred by him on account of the enforcement of the rule of such company requiring an attendant in charge of shipments of certain live stock where liability of the company is waived.

A copy of the complaint was forwarded to the legal department of the respondent company, and it answered as follows:

"Referring to complaint of O. L. Thisler, of Chapman, Kan.: Mr. Thisler seems to be making a claim for $13.75 additional expense, which he claims was made necessary by reason of the fact that we refused to ship a colt from Belleville, Kan., to Chapman, Kan., without an attendant in charge. I do not understand that it was the intention of the legislature to make the Board, or that it is the desire of the Board to become, a collection agency. I take it, therefore, that the Board will not assume jurisdiction of a claim of this character.

"If it is the intention of Mr. Thisler to complain of the practice followed in the present case, rather than try to collect the amount expended by him, I have this to say: I believe that Mr. Thisler's statement of the transaction is substantially correct. Rule 54 of our general circular GFO 815 reads as follows: 'Live stock—parties in charge of.—Shipments of live stock will not be transported by this company unless accompanied by attendant in charge, except one car hogs when destined to Council Bluffs, Iowa, Omaha or South Omaha, Neb., or one car hogs or sheep between points on Kansas division, or upon permission of general freight department.'

"You will see from the above that the officers of the company were simply obeying the rules of the company in this instance. I think it is equally plain that the rule quoted above is a reasonable and fair one."

A copy of such answer was forwarded to the complainants, with the statement that the Board of Railroad Commissioners is an administrative body and that the rendering of judgment for the recovery of money is a judicial function, enjoyed only by the state courts.

No. 540.—Filed June 14, 1906.

STOP TRAINS ON FLAG.

A. A. Osgood *et al.* vs. St. L. & S. F. Rly. Co.

A. A. Osgood, of Parsons, Kan., filed a petition, signed by himself and fifty-three others, requesting that the Board of Railroad Commissioners require the St. Louis & San Francisco Railway Company to maintain a flag-station in section 22, township 31, range 21, in Labette county, Kansas, at a point on line of said railway just west of the railroad bridge which crosses the Neosho river in said section.

To this complaint the respondent company answered as follows:

"The St. Louis & San Francisco Railroad Company, for its answer to the complaint filed in the above-entitled proceeding, states that its practice is and has been to stop passenger-trains at the place in question, just west of its bridge across the Neosho river, in Labette county, Kansas, to take on passengers when there are five or more to get on, and to stop to let off passengers when there are five or more to get off at said place.

"This railroad company has already a station where passenger-trains stop to take on and let off passengers at Strauss, which is nine-tenths of a mile east from the place in question, and has also a station where passenger-trains stop to take on and let off passengers at Laneville, which is one and five-tenths miles west of the place in question.

"The practice now in effect, above referred to, is sufficient and is reasonable for the accommodation of passengers to and from said Neosho river crossing, and to require this company to stop its passenger-trains to take on or let off one or more passengers less than five would be unreasonable, and would not be justified by the revenue from the traffic or any business necessities.

"Said complaint asks that passenger-trains be stopped to take on or let off from one to four passengers, who are simply traveling for pleasure and not for any business purpose. This would put this railroad company to an unnecessary inconvenience and expense, and unnecessarily and unreasonably delay the transportation of its passengers, mail and express.

"Wherefore, this company asks that the complaint be denied and dismissed."

A copy of such answer was forwarded to the complainant, with the statement that on account of the close proximity of stations on either side of the proposed flag-station the Board would not feel warranted in granting the relief prayed for therein.

No. 541.—Filed June 26, 1906.

DELAY IN TRANSIT OF SHIPMENTS OF OIL.

The National Oil Company *vs.* A. T. & S. F. Rly. Co.

The National Oil Company, of Kansas City, Mo., filed a complaint alleging that they are subjected to great annoyance on account of the Atchison, Topeka & Santa Fe Railway Company failing to promptly forward shipments of oil, and that such action on the part of the respondent company seriously injures them in their competition with the Standard Oil Company, the Standard Oil Company's shipments being promptly forwarded.

To this complaint the general superintendent of the respondent company answered as follows:

"I am returning you herewith papers reaching me with your letter of July 2, file 9168.

"Have made thorough investigation as to the handling given shipments for this company at Argentine, Wichita, and Salina. You will find below a list of nine cars handled at Argentine in the months of June and July, which will give an idea as to the handling of such shipments at that point:

Car.	Loaded at Argentine.	To city Warehouse.	Transferred.	Forwarded.
MKT	6-30	7- 2	7- 2	7- 2
AT	7- 7	7- 9	7- 9	7- 9
AT	7- 7	7- 9	7- 9	7- 9
AT	7-14	7-17	7-17	7-17
CA	7-14	7-17	7-17	7-17
AT	7-18	7-20	7-20	7-20
COG	7-12	7-17	7-17	7-18
CBQ	7-18	7-20	7-20	7-20
AT	7-21	7-24	7-24	7-24

"Shipments are received at Argentine by wagon, and forwarded from that point for Kansas City platform on Wednesdays and Saturdays of each week. For more than a year the National Oil Company have delivered their shipments on these dates, and they have been moved from that station within a few hours after loading, with but few exceptions. Of course, if their company deliver their oil between these dates, shipments will be delayed until day of regular loading. There is not, however, any preference given either company in this case. The principal delay is in handling cars from Argentine to Kansas City, cars being allowed to take their course in regular transfer and placed to warehouse to finish loading. By the attached list you will note that five cars were delayed three days before set to platform, three cars delayed three days, and one car delayed five days. This matter has been taken up vigorously with our yard force, and endeavor will be made to eliminate delays in movement of such shipments from Argentine to Kansas City warehouse.

"The method of procedure in the handling of such shipments at Wichita is very similar, it being the practice at that point to allow such shipments to accumulate until they have sufficient tonnage to justify loading a car. Statement below shows the day of receipt and forwarding of shipments offered by the National Oil Company from June 1 until June 15, and you will note there was but little delay at that station:

WB.	Date of BL.	Car.		Date Forwarded.
818	6- 4	A.T.	67187	6- 5
816	6- 4	A.T.	67187	6- 5
814	6- 5	A.T.	67187	6- 5
812	6- 5	A.T.	67187	6- 5
810	6- 5	A.T.	67187	6- 5
817	6- 4	A.T.	67187	6- 5
815	6- 5	A.T.	67187	6- 5
813	6- 4	A.T.	67187	6- 5
811	6- 5	A.T.	67187	6- 5
809	6- 4	A.T.	67187	6- 5
1219	6- 5	A.T.	53657	6- 7
1185	6- 6	A.T.	53657	6- 7
1183	6- 6	A.T.	53657	6- 7
1170	6- 5	A.T.	53657	6- 7
1214	6- 7	A.T.	53657	6- 7
1184	6- 7	A.T.	53657	6- 7
1182	6- 6	A.T.	53657	6- 7
1167	6- 6	A.T.	53657	6- 7

WB.	Date of BL.	Car.	Date Forwarded.
2080	6-12	SWS 14598	6-13
2081	6-12	SWS 14598	6-13
2069	6-13	SWS 14598	6-13
2070	6-11	SWS 14598	6-13
2030	6-11	SWS 14598	6-13
2301	6-12	A.T. 53133	6-14
2299	6-14	A.T. 53133	6-14
2291	6-14	A.T. 53133	6-14
2295	6-14	A.T. 53133	6-14
2300	6-12 6-13	A.T. 53133	6-14
2298	6-13	A.T. 53133	6-14
2296	6-13 6-14	A.T. 53133	6-14
2294	6-11	A.T. 53133	6-14
2320	6-13	MST 14187	6-15
2318	6-13	MST 14187	6-15
2319	6-13	MST 14187	6-15
2317	6-14	MST 14187	6-15
2316	6-13	MST 14187	6-15
2683	6-14	A.T. 40254	6-16
2574	6-15	A.T. 40254	6-16
2598	6-14	A.T. 40254	6-16
2607	6-14	A.T. 40254	6-16
2575	6-14	A.T. 40254	6-16
2520	6-15	A.T. 40254	6-16
2658	6-14	A.T. 40254	6-16

"Shipments average three cars per week. As to that portion of National Oil Company's letter of June 25, wherein they state that our agent at Wichita had lost bills of lading: Would state that Mr. Delaney makes positive denial of any such occurrence. He states further that matter was taken up by him with Mr. Gardner, manager of the National Oil Company, as to this, and asked that he be referred to shipments which were delayed on this account; that Mr. Gardner promised to do so in writing, but that nothing has been heard from him on the subject to date.

"I find that during the months of June and July there were but ten shipments offered us by this company at Salina, only two of which met with delay. This on account of having been delivered us on Saturday and no train out until Monday following. Statement showing handling of these shipments through Salina station, below:

Date of BL.	WB No.	Car No.	Date Forwarded.
6-16	581	A.T. 22959	6-18
6-19	660	A.T. 23381	6-20
6-27	906	PRR 10603	6-27
6-29	1000	A.T. 25473	6-30
6-30	9	A.T. 18027	7- 2
7- 5	113	A.T. 23671	7- 6
7- 5	114	A.T. 23671	7- 6
7- 6	175	A.T. 6810	7- 7
7- 6	176	A.T. 6810	7- 7
7- 7	189	G.C. 4090	7- 9

"In view of the information contained in the above, cannot but feel position of the National Oil Company is not well taken. While some delays are shown, there is no discrimination whatever as between the handling of their shipments and those offered us by the Standard Oil Company. We have endeavored to overcome even these slight delays, and I believe that we have been partially successful in doing so."

A copy of such answer was forwarded to complainant, with the statement that from investigations made it seemed to the Board that the shipments of the National Oil Company had been accorded all possible attention, and that the charge of any discrimination in favor of the Standard Oil Company was not well founded.

No. 544.—Filed June 28, 1906.

DEPOT AND STOCK-YARDS.

W. H. Wilson *vs.* St. L. & S. F. Rld. Co.

W. H. Wilson and ninety-four others, citizens of Piedmont, Kan., asked that the Board issue an order requiring the St. Louis & San Francisco Railroad Company to construct a depot and stock-yards at Piedmont, Kan.

To this complaint the respondent company answered as follows:

"The St. Louis & San Francisco Railroad Company, for its answer to the above-named complaint, states:

"That its depot at Piedmont, Kan., is adequate in size and facilities for the amount of freight and passenger traffic handled by said company at that point. The size of the depot is eighteen (18) feet by thirty-two (32) feet, of the waiting-room for passengers nine (9) feet by twelve (12) feet, of the office for the use of the agent eight (8) feet by twelve (12) feet, and the warehouse room is eighteen (18) feet by nineteen (19) feet. The stock-yards of the railroad company at said point consist of three pens, and the dimensions of each are, respectively, forty-one (41) by fifty-eight (58) feet, thirty-four and one-half (34½) by forty-three (43) feet, and forty (40) by eighty (80) feet. The stock scale is conveniently situated for the purpose of weighing stock. This company has not received any complaint from stock shippers upon this subject.

"This company transacts only a moderate amount of freight and passenger business at Piedmont.

"The depot, stock-yards and stock scales are sufficient in size and arrangement for the business, and are conveniently located.

"This company, therefore, prays that the complaint be dismissed."

Upon due notice to all interested parties the Board met at Piedmont and entered upon a hearing of the issues joined. After the conclusion of such hearing and a careful consideration of the merits of the complaint, the following communication was written to Mr. Wilson:

"In the matter of enlargement of depot and stock-yards, the Board desires to say that upon the recommendation of Mr. Wheatley the company has agreed to enlarge the stock-pens as suggested by the cattle shippers present at the hearing. The pens will be enlarged from three to five pens. At the present time the Board would not feel that it would be justified, under the facts, in requiring the company to enlarge its depot. However, Mr. Clark, the superintendent of the western division, says that he will recommend this year in his budget that funds be set aside for the enlargement of this depot next year. If this is done the Board believes that your station will be well taken care of."

No. 546.—Filed July 11, 1906.

RAILROAD CROSSING.

Kansas City Belt Rly. Co. *vs.* Kansas City Southern Rly. Co.

The Kansas City Belt Railway Company filed with the Board a petition as follows:

"Your petitioner, the Kansas City Belt Railway Company, shows to this Honorable Board of Railroad Commissioners of the state of Kansas that it is a railway company duly organized under the laws of the state of Kansas, and that it owns and operates about sixteen miles of railway in Wyandotte county, Kansas, and about forty-four miles of railway in Jackson county, in the state of Missouri; said railway forming one continuous line and system of railway through and around the cities of Kansas City, Kan., and Kansas City, Mo., with branches, side-tracks and switches extending to the stock-yards, packing-houses, factories, warehouses and other plants; and also connecting with the various railroads entering Kansas City, Kan., and Kansas City, Mo., and furnishing said establishments with facilities for shipping their various commodities to and from their said plants, over the defendant's said railroad, and over other railroads entering Kansas City, Kan., and Kansas City, Mo.; and your petitioner is a common carrier, and engaged in the business of a common carrier over its said lines of railroad, receiving and transporting over its said lines of railroad cars and merchandise for all persons offering the same for transportation.

"Your petitioner further shows that the Kansas City Southern Railway Company is a railway corporation duly organized and created according to law, and owns and operates a line of railway in the city of Kansas City, Wyandotte county, Kansas, with a spur or industry track running therefrom to and past the Schwarzschild & Sulzberger Company's packing-house in said city. That said packing-house receives and slaughters several thousand head of cattle, hogs and sheep each day, and prepares the meat therefrom for sale, and sells the same in the various markets of this country and in foreign countries. That in order to successfully prosecute said business, it is necessary that said Schwarzschild & Sulzberger Company have adequate railroad facilities to their said plant in order to properly and economically ship their products over the various railroads entering Kansas City to various markets where the same are sold. That in order to furnish said railroad facilities, the said Schwarzschild & Sulzberger Company has requested the said Kansas City Belt Railway Company to construct lines of railway from its said railway to the said Schwarzschild & Sulzberger Company's packing-house, and the said The Kansas City Belt Railway Company is desirous of constructing said tracks to the said packing-house for the purpose of furnishing said railroad facilities to said packing-house and for the purpose of receiving the revenue to be derived from the transportation of the products of said packing-house. In order to build said railroad tracks from the tracks of the said The Kansas City Belt Railway Company to the said packing-house, it will be necessary to make a double crossing across the said spur or industry track of the Kansas City Southern Railway Company, in Kansas City, Kan., near said Schwarzschild & Sulzberger Packing Company's plant. The exact location of the proposed double crossing of the Kansas City Belt Railway Company's tracks across the said spur or industry track of the Kansas City Southern Railway Company is as follows: The center point of said double crossing to be on the center line of said spur track of the Kansas City Southern railway, being ninety-two (92) feet southeasterly from the westerly line of Railroad street, and twenty-four (24) feet from the easterly line of said street, measured at right angles from said street lines, and twelve hundred and seventy-two (1272) feet southerly from the south line of Osage avenue,

measured on a line parallel to and ninety-two (92) feet from the westerly line of said Railroad street.

"The location of the said the Schwarzschild & Sulzberger Packing Company's house, and of the Kansas City Southern Railway Company's track, and of the proposed double crossing of the Kansas City Belt Railway Company's tracks, over the track of the said The Kansas City Southern Railway Company, are shown by a map hereto attached and made a part thereof; the place of the proposed crossing being marked *A A* on said map. Your petitioner says that said crossing is a public necessity and will be for the use of the public upon equal terms, and is necessary to afford the said The Schwarzschild & Sulsberger Company proper facilities for transporting its products. Your petitioner further shows that on May 7, 1906, it delivered to the Kansas City Southern Railway Company a copy of the map hereto attached, showing the proposed crossing, and requesting the said The Kansas City Southern Railway Company to grant permission to this petitioner to make said crossing upon such terms as might be agreed upon, which request was refused by the said The Kansas City Southern Railway Company.

"Your petitioner therefore prays that you set a time and place for the hearing of this application, of which the said The Kansas City Southern Railway Company shall have notice, and that upon the hearing thereof this applicant may be granted the right to cross the tracks of the said The Kansas City Southern Railway Company at the place designated herein, upon such terms and conditions as to you may seem just."

A copy of such petition was forwarded to the legal department of the Kansas City Southern Railway Company, with the request that they answer thereto, under the rules of the Board. Such answer not being received within the time required by said rules, upon due notice to all interested parties, the Board met at Kansas City, Kan., on August 24, 1906, and entered upon a hearing of the merits of the application; whereupon the respondent filed a motion to dismiss this action, for want of jurisdiction of the Board to make any order in the premises. Upon the filing of such motion the Board took the matter of its ruling thereon under advisement, and on August 24 it overruled said motion and set the case for hearing upon its merits for Monday, September 10, 1906, at Kansas City, Mo. From this ruling of the Board an appeal was taken to the United States circuit court for the district of Kansas, and a temporary injunction was issued by such court enjoining the Board from assuming jurisdiction over the subject-matter of the petition herein during the pendency of such appeal.

On December 28, 1907, the temporary injunction issued as aforesaid was dissolved, and upon request of complainant and due notice to the parties hereto the case was set for hearing on January 15, 1907, at Kansas City, Kan. After the conclusion of such hearing the Board made the following findings and order in the premises:

"This application came on for hearing before the Board at Kansas City, Kan., on January 15, 1908, the applicant, the Kansas City Belt Railway Company, being present by D. W. Rider, its superintendent, and by Angevine & Cubbison, its attorneys, and the Kansas City Southern Railway Company being present by W. J. Donovan, its superintendent, and by F. H. Wood, its attorney, the said parties having been duly notified of the time and place of the hearing.

"After making a personal examination of the locality where the double crossing is desired, and after hearing the evidence offered by both par-

ties, and the argument of counsel, the Board takes the case under advisement.

"This application came on for further consideration before the Board, at its office in the capitol building, in the city of Topeka, on January 28, 1908, having been heretofore heard and taken under advisement. And the Board, being now fully advised in the premises, finds and determines that there is a necessity for a double crossing at the place stated in the application filed herein, and that there is no other practicable place where said crossing can be effected.

"The Board finds that the Kansas City Southern Railway Company's said spur track is not used, and since October 21, 1906, has not been used for any purpose except for the storage of cars thereon, and that but little if any damage will result from said crossing. The Board further finds that by reason of the granting of the crossing hereinbefore designated, the Kansas City Southern Railway Company will be damaged to the extent of five hundred dollars ($500).

"It is therefore ordered that the Kansas City Belt Railway Company be permitted to construct and maintain a double crossing across the spur track of the Kansas City Southern Railway Company, at grade, at or near the Schwarzschild & Sulzberger Company's packing-house, in the city of Kansas City, Wyandotte county, Kansas; the exact location of said double crossing to be as follows: The center point of said double crossing to be on the center line of said spur track of the Kansas City Southern railway, being ninety-two (92) feet southeasterly from the westerly line of Railroad street, and twenty-four (24) feet from the easterly line of said street, measured at right angles from said street lines, and twelve hundred and seventy-two (1272) feet southerly from the south line of Osage avenue, measured on a line parallel to and ninety-two (92) feet from the westerly line of said Railroad street, being the same place described in the written application for said crossing. The said double crossing shall be constructed at grade, of suitable material, in such manner as to be as safe as such crossing can be reasonably made, and shall be constructed and maintained at the expense of the Kansas City Belt Railway Company.

"It is further ordered by the Board that before the commencement of construction of the double crossing hereinbefore mentioned, the Kansas City Belt Railway Company pay to the Kansas City Southern Railway Company five hundred dollars ($500), same being in full of damages sustained by the said Kansas City Southern Railway Company by reason of the granting of said crossings."

No. 547.—Filed July 13, 1906.

RAILROAD CROSSING OVER CANAL.

The Ford Audrey Canal Company *vs.* A. T. & S. F. Rly. Co.

U. T. Tapscott, as attorney for the Ford Audrey Canal Company, of Syracuse, Kan., filed a petition complaining that the Atchison, Topeka & Santa Fe Railway Company maintained a railroad crossing over the ditches of the complainant, the manner of construction of which was such as to seriously obstruct the flow of water in such ditch.

To this complaint the respondent company answered as follows:

"Again referring to your favor of July 18, enclosing me a letter written by Mr. U. T. Tapscott to Hon. Carr Taylor, with reference to an alleged damage to an irrigating canal near Syracuse, I have to say that I have caused this matter to be fully investigated, and from such investigation find that the statement made with reference to the railway company's putting the track across the canal a few months since without securing

permission to do so is entirely incorrect; that before this work was done authority from a number of stockholders of the canal company was obtained. Among these parties was Sheriff Brady, who seems to be interested in the ditch, and who consented to the work being done and agreed to see other members of the board and to see that no objections were made. I am also advised that whatever damage was done to the ditch by the crossing of the railroad-track was repaired immediately after the work had been completed, and that the bridge to-day does not in the least interfere with the free flow of the water.

"With reference to the statement that the ditch was damaged by the company some fifteen months ago and the flow of water entirely stopped, investigation shows that this claim is likewise incorrect and is unfounded. It appears that whatever damage was done last year by the railway company in crossing the ditch was entirely repaired at the expense of the company. The stopping up of the ditch appears to have been caused by the owners themselves. A representative of the company happened to be in that vicinity one day and discovered two or three men, stockholders of the company, in the ditch opening the upper side of the ditch and turning the water out on the embankment of the company. By this means they had made a sufficient opening to allow the water to run out into the borrow-pits of the company and the lower side of the ditch formed the dump, and when the water became deep enough this lower side gave way, washing out the ditch entirely. This seems to account for the farmers below being deprived of the supply of water during that year. I think the above substantially comprises the facts and can abundantly be established by proof. I trust that this explanation will be sufficient. It occurs to me that there is no merit in the claim. If there is anything further by which an investigation will assist the Board in reaching a conclusion with reference to this matter I shall indeed be glad to assist in that behalf."

Upon due notice to all interested parties, the Board set the case for hearing on December 5, 1906, at Syracuse, Kan. This hearing resolved itself into a conference, the result of which was the closing of the case without the necessity of further or formal action on the part of the Board.

No. 548.—Filed June 23, 1906.

AGENT.

The Board of County Commissioners of Wichita County *vs.* Mo. Pac. Rly. Co.

The board of county commissioners of Wichita county filed a complaint asking the Board to require the Missouri Pacific Railway Company to establish and maintain an agent at Selkirk, Kan. To this complaint the respondent company answered as follows:

"The defendant named above, the Missouri Pacific Railway Company, for answer to the complaint of the above-named complainants, says that it is a railway corporation organized and existing under and by virtue of the laws of the state of Kansas, and is a common carrier of freight and passengers in said state, and that it operates a line of railway into and through the village called Selkirk, Wichita county, Kansas.

"Said defendant says that for some time prior to the fore part of the year of 1906 it maintained a station at said village of Selkirk, with all facilities for the accommodation of its patrons, including a station agent and telegraph operator, and further says that during the fore part of the year 1906 it withdrew its station agent and telegraph operator from

said Selkirk and that said station has been since said time operated without the assistance of said station agent and operator.

"Said defendant further says that it fails to maintain a station agent and operator at said village of Selkirk for the reason that the business in freight and passenger traffic done at said station and possible to be done thereat has been and still continues to be wholly inadequate to defray the expense of the maintenance of a station agent and the keeping open of a station-house and station facilities at said place, and the maintenance of said station agent would be at a large and substantial loss to said defendant, and if ordered would compel said defendant to undergo great loss because of the inadequacy of the receipts therefrom to defray the expense of such maintenance.

"Said defendant further says that said place called Selkirk is not a city, village or town, incorporated or otherwise, nor laid out nor platted for town site purposes, but defendant avers that the total population of said village of Selkirk is but twenty-five people, a part of whom are in the employ of this defendant as section-men; that the total business places consist of one general store operated by one of the complainants herein, to wit, L. E. Steining, and a post-office, which is likewise conducted by said Steining.

"Said defendant further says that the village of Selkirk is located about midway between the stations of Leoti and Tribune, the two stations being about ten miles distant to the east and west; that at said stations it maintains station agents and all facilities for the transaction of railroad business, and that said stations are easy of access to the people residing at and in the vicinity of Selkirk; that said station of Selkirk is operated through its station agents at the before-named towns of Leoti and Tribune, without inconvenience to its patrons residing at Selkirk, and that the facilities afforded the inhabitants of Selkirk and the country tributary thereto are equal to those furnished any like stations on defendant's line of road.

"Said defendant further says that said station of Selkirk is located on its main line of road from Kansas City, Mo., to Pueblo, Colo.; that it is and for several months last past has been engaged in the necessary work of bettering and improving its road-bed on said line by resurfacing and ballasting the same and laying newer and heavier steel rails, and in various ways improving its track, to insure greater speed in the operation of its trains and greater safety to the traveling public and shipping public; that it expects to continue said policy of improving and bettering its said line of road for the purposes named; that to do so involves the expenditure of large sums of money, which it cannot make if not permitted at the same time to economize in other ways and in respect to other matters; that the complaint in respect to the reopening of said station at Selkirk is but one of many similar complaints on other parts of its line; that the complainants in respect to Selkirk station have no claims on defendant superior to other like claims made by complainants at like places on its line of road; that it is impossible for the defendant to comply with the requests of all the various complainants along its line in respect to station facilities, without suspending the work of improving and bettering its track as aforestated and abandoning its policy of putting its road-bed in condition to insure speed and safety to the traveling and shipping public. Said defendant further says that for the reasons hereinbefore stated an order of the Board of Railroad Commissioners compelling it to maintain said station agent and operator at said station of Selkirk, at a cost therefor largely in excess of the revenues receivable thereat and not in fulfilment of any public duty imposed on it by law as a common carrier of freight and passengers, would compel said defendant to devote a substantial portion of its revenues to the maintenance of said station agent and operator without any return therefor, and would compel said defendant to devote its income and property to a claimed public use, but in reality to the private use of a very limited number of persons, without compensation therefor, and would thereby deprive said defendant and its

owners and stockholders of property without due process of law and in violation of the fourteenth amendment of the constitution of the United States.

"Wherefore, said defendant having answered herein, stating its reasons for failure to maintain said station agent and operator at Selkirk, prays that said complainants take nothing by their said complaint against this defendant, and that said complaint be dismissed."

Upon due hearing in the premises the Board made the following findings and order:

"Upon due notice to all interested parties, and on Friday, September 28, 1906, the Board met at Selkirk, Kan., and entered upon a hearing of the above-entitled action, complainants appearing in person and the respondent by a representative of its legal department. Thereupon the parties to this action introduced their evidence and rested.

"And now, on this 16th day of October, the Board being fully advised in the premises, finds that the amount of passenger and freight business afforded the respondent company at Selkirk station is sufficient to warrant the establishment and maintenance of an agent at said station.

"It is therefore ordered by the Board that the respondent, the Missouri Pacific Railway Company, establish and maintain an agent at Selkirk, Kan., within ninety days from the date hereof."

No. 550.—Filed July 16, 1906.

REMOVAL OF PORTABLE ELEVATOR.

Bartlett & Co. *vs.* A. T. & S. F. Rly. Co.

Bartlett & Co., of Winfield, Kan., complained that the Atchison, Topeka & Santa Fe Railway Company refused to grant them permission to locate a portable elevator and dump upon the right of way of said company, and asked the Board to grant them a location for such purpose.

To this complaint the respondent company answered as follows:

"Now comes the Atchison, Topeka & Santa Fe Railway Company, respondent in the above-entitled cause, and for answer to the complaint of said Bartlett & Co. says: That there are two good elevators now in course of construction at Akron station, which will have ample capacity to handle all of the grain shipped from that point; Bartlett & Co. took the liberty of entering upon respondent's right of way, without permission, and erecting their structure, and said respondent ordered them off, as it had a legal right to do, and for the further reason that it did not consider it fair to allow the installation of a temporary affair in competition with permanent elevators representing a considerable investment on the part of their owners; that respondent had already refused to grant to the New Era Milling Company the privilege of constructing a good and substantial elevator building on the ground on which said Bartlett & Co. sought to construct their temporary affair, for the reason that there was not sufficient business for three concerns at that point, and should there be an increase of business at said point which would justify the location of additional elevator facilities, the respondent would insist on granting such facilities to persons who would erect and maintain permanent structures rather than to persons desiring to construct and operate temporary affairs, such as proposed by Bartlett & Co.

"As to the station of Rock, the respondent says that Bartlett & Co. made application for a location on which to erect elevator bins and cribs. The respondent told them they could have a location if they would put up and maintain an elevator of 10,000 bushels capacity, which is the minimum standard required by said respondent in cases where permis-

sion is granted for the erection of elevators on the lands of the company. This the complainants would not agree to, as they desired merely to erect a portable affair. The respondent does not desire to have affairs of the kind sought to be erected by Bartlett & Co. erected upon its grounds or right of way, and respectfully submits that this honorable Board should not require the company to permit the erection of such structures to the detriment of persons who are willing to make permanent investments.

"It is further respectfully submitted that this honorable Board has no authority to compel your respondent to furnish lands for the erection of portable elevators to said complainants without just compensation, and that there is in existence in the state of Kansas no statute under which the lands of said respondent company can be condemned for the private use of said complainants.

"It is respectfully submitted, therefore, that the complaint of said Bartlett & Co. should be denied."

A copy of such answer was forwarded to complainant, with the statement that in the opinion of the Board the jurisdictional question raised by the respondent was well taken, and the case was closed.

No. 552.—Filed July 31, 1906.

SWITCH-TRACK FACILITIES.

The Howard Mills Company *vs.* Mo. Pac. Rly. Co.

The Howard Mills Company, of Wichita, Kan., filed a complaint asking the Board to require the Missouri Pacific Railway Company to grant to it additional switch-track facilities. A copy of said complaint was forwarded to Mr. A. H. Webb, division superintendent of the respondent company, with the request that he take the matter up with the complainant, with a view to securing an adjustment of the matters complained of. The complainant was advised of the action of the Board in the premises, and, on January 1, 1907, nothing further having been heard from the parties hereto in regard to the matter, the case was closed.

No. 554.—Filed August 6, 1906.

DISCRIMINATION.

T. C. Davis *vs.* A. T. & S. F. Rly. Co.

T. C. Davis, of Benedict, Kan., alleges that the Atchison, Topeka & Santa Fe Railway Company subjects him to discrimination in the matter of handling shipments of crude oil offered by him.

To this complaint the respondent company answered as follows:

"Referring to your favor of the 7th instant, in which you transmitted to me a copy of a letter written by T. C. Davis to you with reference to the delay of shipment of oil from Benedict, I have to say that I have caused the matter to be investigated, and find that the cause of the delay in the shipment of barrels of oil spoken of in Mr. Davis's letter was by reason of the fact that the barrels were not in suitable condition for shipment; that they were found to be leaking and unfit to load into any kind of a car containing merchandise or otherwise. I am advised, however, that proper instructions have been given through the general freight agent and superintendent to the agent at Benedict with reference to the shipment of oil by Mr. Davis, so that doubtless all trouble in the future with reference to the matter will be avoided."

A copy of such answer was forwarded to the complainant, with statement that the Board would take no further action in the premises unless future conditions seemed to warrant. January 1, 1907, nothing further having been heard from the complainant, the case was closed.

No. 555.—Filed August 9, 1906.

DRAINAGE.

Mayor and City Clerk of Freeport, Kan., *vs.* Mo. Pac. Rly. Co.

A petition was filed by J. G. Stall, mayor, and M. R. Benson, city clerk, of Freeport, Kan., alleging that the Missouri Pacific Railway Company fails and refuses to provide proper drainage of its tracks and yards within said city of Freeport.

To this complaint the respondent answered as follows:

"Upon receipt of copy of complaint of the mayor and city clerk of Freeport which you sent us on the 15th instant, we forwarded the same to our superintendent, who has had our division engineer go to Freeport and investigate the situation.

"It seems that the lay of the land is such that even if the company should construct culverts and drains across the right of way this would not afford any relief, unless additional ditches are constructed to carry off the water in the manner indicated by our engineer. This seems to be the only practicable solution of the difficulty.

"The company is ready and willing to construct the culverts and drains across the right of way if the city will continue these ditches from the right of way line so as to dispose of the water as suggested by our division engineer.

"If this will be satisfactory to the city, and the city will arrange to take care of the water from the right of way line, please advise us so the work may be done."

A copy of the answer was forwarded to the complainant, with the statement that if the allegation of the respondent that in order to make any drainage inaugurated by it efficient it would be necessary that the city extend the same for some considerable distance was correct, the Board would not feel warranted in requiring the construction on the part of the railway company until such time as the officials of the city would assure the extension thereof in such manner as to render the drainage adequate. The further suggestion was made that the matter be taken up personally with J. H. Richards, general attorney for the respondent company. January 1, 1907, nothing further having been heard from the complainant, the case was closed.

No. 556.—Filed August 16, 1906.

JOINT RATES ON LIVE STOCK.

E. P. Barrows *vs.* St. L. & S. F. Rld. Co.

E. P. Barrows, of Sedgwick, Kan., alleges that the rate on live stock from Patterson, Kan., to Kansas City, *via* Frisco lines, is 16½ cents, and asks that the Board require such company, in connection with the Chicago, Rock Island & Pacific Railway Company, to promulgate a joint

tariff protecting said 16½-cent rate on the shipment of live stock *via* Medora and the Rock Island lines to Kansas City.

To this complaint the respondent answered as follows:

"The St. Louis & San Francisco Railroad Company, without in any way admitting the jurisdiction of this honorable Board, but, on the contrary, still denying the same and denying its authority to make any order in the premises, states that, effective September 11, 1906, the St. Louis & San Francisco Railroad Company issued and promulgated an amended tariff, effective between all stations from Wichita Heights to Ellsworth, Kan., inclusive, and Kansas City, Kan., effective the same date, by which it offered to transport live stock, in car-load lots, between said stations from Wichita Heights to Ellsworth, Kan., inclusive, by way of Medora, Kan., and C. R. I. & P. Rly., and Kansas City, Kan., at the regular Kansas City, Mo., rate; and on the same date it issued and promulgated an amended tariff, effective October 13, 1906, between all points from Wichita Heights to Ellsworth, Kan., inclusive, and Kansas City, Mo., St. Joseph, Mo., Atchison, Kan., and Leavenworth, Kan., by which it offered to transport live stock in car-load lots by way of Medora, Kan., and C. R. I. & P. Rly., at the regular Kansas City, Mo., rate.

"Said St. Louis & San Francisco Railroad Company further states that it is now willing to receive and transport, and, if offered, will receive and transport, shipments of cattle in car-loads from said points on its line destined to Kansas City, Kan., to be shipped *via* Medora, Kan., and thence over the C. R. I. & P. railway, at the regular Kansas City, Mo., rate, and on and after October 13, 1906, is willing to receive and transport, and, if offered, will receive and transport, shipments of cattle in car-loads from said points on its line destined to Kansas City, Mo., St. Joseph, Mo., Atchison, Kan., and Leavenworth, Kan., at the regular Kansas City, Mo., rate.

"A copy of said amended tariff is hereto attached.

"Wherefore, said railroad company prays that said complaint be denied and dismissed."

A copy of this answer was forwarded to the complainant for his information, and the case was closed.

No. 557.—Filed August 27, 1906.

STOPPING OF FREIGHT CABOOSES AT DEPOT PLATFORMS.

D. A. Young *vs.* A. T. & S. F. Rly. Co.

D. A. Young complains that the Atchison, Topeka & Santa Fe Railway Company fails and refuses to stop its freight-train cabooses at or near the depot platform at Upola, Kan.

To this complaint the respondent company answered as follows:

"Referring to complaint made by D. A. Young for failure on the part of our train crew to stop caboose at the platform at Upola, on the Southern Kansas division, conductor explains that he did not notice flag until opposite station and could not bring train to a stand without running past platform; that Mr. Young turned as train passed and made every evidence of not wishing to take the train; that he, conductor, then gave a signal to start, and that after train had started Mr. Young appeared to wish to catch the train.

"It is understood by all concerned that our trains shall stop to let off or take on passengers at this platform, and this will be done hereafter where possible. You understand that we have but one train each way at Upola, which is a freight-train. Of course, at all points of the line where we run regular passenger-trains we do not require our freight-trains to stop caboose at depot platform. This would make it very in-

convenient for the handling of our regular business. However, in cases of this kind, where the only facility afforded the public is by a freight-train, we do make it a practice to have caboose stop as near as possible to the platform.

"I believe this explanation will be satisfactory to the Board."

A copy of this answer was forwarded to complainant and the case closed.

No. 559.—Filed August 23, 1906.

SWITCH TO ELEVATOR.

The Farmers Grain, Live Stock and Coöperative Mercantile Association *vs.* C. R. I. & P. Rly. Co.

The Farmers Grain, Live Stock and Coöperative Mercantile Association, of Cullison, Kan., asked the Board to require the Chicago, Rock Island & Pacific Railway Company to establish and maintain switch-track facilities to its elevator. A copy of such petition was forwarded to the legal department of the respondent company, with the request that it advise the Board whether or not the desired facilities would be granted without further or formal action on the part of the Board. The respondent company answered that arrangements had been made whereby the relief desired by complainant would be granted.

No. 561.—Filed August 30, 1906.

DEPOT AND AGENT.

Frank Orr, Mayor, *vs.* Kansas City Southern Rly. Co.

Frank Orr, mayor of Curranville, Kan., filed a complaint requesting the Board to require the Kansas City Southern Railway Company to construct a depot and maintain an agent at that city.

To this complaint the respondent company answered as follows:

"Now comes the Kansas City Southern Railway Company, and answering the complaint of Frank Orr, mayor of Curranville, says:

"1. The respondent respectfully shows to your honorable Board that it has no authority or jurisdiction to hear or determine the said complaint, or over the subject-matter therein complained of, for the reason that the same is not filed in accordance with the laws of Kansas, or by any party entitled to make the same.

"2. Respondent, further answering, says that it does not know whether the city of Curranville is a corporation duly organized and existing under and by virtue of the laws of the state of Kansas as a city of the third class, or not; that if it is so organized, it does not know the population thereof, and prays that strict proof of the corporate existence and population of said city may be required of the complainant.

"3. The respondent says that it maintains a passenger station at Fuller, Kan., which is one hundred twenty and six-tenths miles (120.6) distant from Kansas City, and that it also maintains a passenger station at Nelson, Kan., which is one hundred twenty-four and six-tenths (124.6) miles from Kansas City.

"Respondent states that it is informed that the territory alleged to be embraced within the corporate limits of the city of Curranville is located between said stations of Fuller and Nelson. Respondent states that between said stations of Fuller and Nelson there are a number of coal-mines, to all of which the respondent has constructed tracks sufficient to

accommodate the needs of said mines, and that there has been no complaint made to respondent from any shippers because of any inadequacy of facilities for the handling of freight between said points; that the construction of an additional passenger station between the stations of Fuller and Nelson is not warranted by the passenger traffic between said points, nor is the same necessary for the reasonable convenience of the public residing between said stations of Fuller and Nelson.

"Wherefore, respondent prays that the complaint of Frank Orr, mayor of Curranville, may be dismissed."

After a hearing of the merits of the issues joined the Board made the following findings and order:

"On December 13, 1906, due notice having been given all interested parties, the Board met at Curranville, Kan., and entered upon a hearing of the above-entitled action, the complainant appearing in person and the respondent by a representative of its legal department, and after the introduction of evidence and argument of counsel the Board took the matter of its decision in the premises under advisement.

"Now, on this 4th day of January, 1907, the Board being fully advised in the premises, finds that the amount of freight and passenger traffic offered to the respondent company at Curranville, Kan., is sufficient to warrant said company in constructing a depot and maintaining an agent at said station.

"It is therefore ordered by the Board that the respondent, the Kansas City Southern Railway Company, within sixty days from the date hereof, construct a depot at Curranville, Kan., and install and maintain an agent thereat, said depot building to be of sufficient size to conveniently accommodate the business in freight and passenger traffic that may be reasonably anticipated."

An appeal was taken from the above order to the Unied States circuit court for the district of Kansas.

No. 562.—Filed August 30, 1907.

DEPOT AND AGENT.

R. L. Dawson, Trustee, *vs.* Mo. Pac. Rly. Co.

J. W. Brown, of Hutchinson, Kan., as attorney for R. L. Dawson, trustee, and seventy-nine others, citizens of Yoder, in Reno county, Kansas, filed a petition asking the Board to require the respondent company to construct a depot and maintain an agent at Yoder, Kan.

To this complaint the respondent company answered as follows:

"Comes now the Missouri Pacific Railway Company, by its attorney, J. H. Richards, and for answer to the petition herein says, that the erection of a depot and the establishment of an agency at Yoder, Kan., is not justified, for the following reasons:

"*First.* Yoder is situated between Haven, only 5.2 miles east, and Elmer, situated only 3.87 miles west, at both of which points there is a station and an agent, and which points are consequently only eight miles apart and as near as the average stations are in that section of country.

"*Second.* Yoder is a very small place, having a total population of not to exceed twenty-five, and has very little local business more than is found within the same radius of territory at any other point on the line in that section of the country.

"*Third.* The total revenue accruing on both forwarded and received

freight and passenger business at this point has in the past been as follows:

In 1903 a total of	$6,921 70
In 1904 a total of	9,033 01
In 1905 a total of	5,721 68

Thus showing that there is, especially in the last year, a rapid decrease in its business, and there has not during that time been an increased density of traffic or population.

"*Fourth.* The cash fares collected on passenger business in and out of Yoder for the above period averaged only $13.30 per month.

"*Fifth.* The smallest standard station building costs $650 to construct. To operate the same with agent and operator would cost approximately $700 per annum. While it might be possible to secure the services of some one to look after the station business exclusive of telegraph business, not making it a telegraph station, at somewhat less cost, the above figures show that the business interests at Yoder do not justify any service of the character demanded whatever.

"*Sixth.* The petition being for a depot and agent, consideration was given by former management of this subject, when the business promised more than it does at this time. But a more careful examination by that management, and the present management of the property, shows conclusively that it is not justified from any standpoint whatever, and further that it would be a precedent for like demands being made elsewhere, which it would be impracticable to comply with, but which if not complied with would leave room for the charge of discrimination in favor of Yoder, which are not granted to other like points.

"*Seventh.* This respondent is willing, and has ordered that estimates be framed up to cover the instalment of the stock-yards and such side-track facilities prayed for. If the business offering can be shown to justify, an agent, in that event, would not be necessary, as all the work to be done there can be transacted through the conductors.

"Your respondent further wishes to state that as soon as the freight and passenger business at Yoder shall have reached such a figure as to justify the erection of a depot and the opening of an agency, the company will be only too glad to arrange accordingly.

"Wherefore, upon all these facts, your respondent asks for a dismissal of the petition, and insists that no showing is made which justifies an order for a hearing except as to stock-yards and siding, to which it consents."

After a hearing of the merits of the issues joined the Board made the following findings and order:

"Pursuant to notice heretofore given and served in this case, the Board met at Yoder, Kan., on November 28, 1906, at ten A. M., to hear and determine the case. Present: J. W. Robison, commissioner; J. U. Brown, representing complainant, and A. H. Webb, for the respondent.

"A compromise or settlement between the complainant and respondent was arrived at whereby it was agreed by respondent to lengthen the switch, establish stock-yards, construct a depot and establish an agent."

Upon agreement of parties to the action the Board continued the further hearing of the case indefinitely, pending the carrying out of said agreement.

No. 565.—Filed September 11, 1906.

DEPOT, AGENT AND STOCK-YARDS.

J. P. Lucas *vs.* St. L. & S. F. Rld. Co.

Leland & Harris, of El Dorado, Kan., as attorneys for J. P. Lucas, township trustee, filed a petition requesting the Board of Railroad Commissioners to require the St. Louis & San Francisco Railroad Company to construct a depot and stock-yards and maintain an agent at Yoder, Kan. A copy of such petition was forwarded to the legal department of the respondent company, and Mr. L. F. Parker, general solicitor, answered that it was the intention of the company to forthwith construct a depot and maintain an agent as prayed for herein. A copy of such answer was forwarded to the attorneys for complainant, with the statement that the relief thus afforded, in the opinion of the Board, was all that the merits of the complaint would warrant.

No. 567.—Filed October 2, 1906.

SWITCH.

C. W. Goodlander, Mayor, *vs.* St. L. & S. F. Rld. Co.

Keene & Gates, attorneys for C. W. Goodlander, of Fort Scott, Kan., filed a petition alleging that the St. Louis & San Francisco Railroad Company fails and refuses to construct and maintain proper switch-track facilities at Fort Scott, Kan., for the accommodation of the public.

To this complaint the respondent company answered as follows:

"Comes now the St. Louis & San Francisco Railroad Company, reserving all its rights under its motion heretofore filed to dismiss the complaint in this action on the ground that the Board has no authority in the premises and cannot properly and legally grant the prayer of the complaint, said complaint not stating facts sufficient to give the Board of Railroad Commissioners authority to make the order prayed for, and makes further answer to said complaint and alleges that the respondent is a railway corporation engaged in interstate commerce, and that its tracks and equipment in and about the city of Fort Scott constitute a part of its tracks and equipment engaged in and used for interstate commerce, and that the switch or spur demanded by the complaint in this case is demanded chiefly, if not wholly, by one person or company, and is desired by said person or company largely for use in interstate commerce, and that your honorable Board has no jurisdiction to grant the order prayed for for said reason, and that said authority, if any exists in any body, resides wholly in the Interstate Commerce Commission, and this Board has no authority to hear or grant the petition of the complainant.

"For further answer the respondent railway company alleges that the spur or switch demanded by the complaint is not for the benefit of or in the interest of the public or the city of Fort Scott or its people, but is solely for the use and benefit of one person or company, and is to the disadvantage, inconvenience and annoyance of the public, the city of Fort Scott and its people, and especially to the annoyance and injury of the Goodlander Milling Company, located in said city, and which company this respondent prays may be permitted to interplead and set up any special damage it may sustain in case the respondent railway company is required to and does construct said switch or spur.

"The respondent further alleges that it has been granted no right or

authority to enter upon the streets and avenues of the city of Fort Scott for the purpose of building said spur or switch, and it has received no authority which would protect it from annoyance or actions for damages in case it began the construction of such spur, and that the same would be wholly outside of any right of way belonging to the railway company or upon which it has any right to construct or operate switches or spurs."

Upon due notice to all interested parties the Board met at Fort Scott, Kan., entered upon a hearing of the merits of the issues joined, and took the matter of its decision in the premises under advisement. Before the entering of any order in the case, upon request of Keene & Gates, as attorneys for complainant, the case was dismissed without prejudice.

No. 568.—Filed October 2, 1906.

DELAY OF FREIGHT IN TRANSIT.

J. C. Muller *vs.* A. T. & S. F. Rly. Co.

J. C. Muller, of Syracuse, Kan., complains that the Atchison, Topeka & Santa Fe Railway Company accepted a car-load shipment of household goods for delivery at Syracuse, and that such shipment was delayed in transit an unreasonable length of time.

To this complaint the respondent company answered as follows:

"Returning letter from Board of Railroad Commissioners received with yours of October 6 in regard to complaint of J. H. Muller, covering the shipment of household goods from Humboldt to Syracuse, Kan.:

"I find this shipment did not receive as prompt movement as one of its kind would under ordinary circumstances.

"Shipment left Humboldt at North Ottawa on September 6, and forwarded to Emporia the same date, where it was again transferred into a west-bound car, and arrived at Newton on September 8. Here it received further transfer, moving west from that point September 10, the delay on the 9th being on account of no local train. It reached Dodge City on September 11, having so far made a very good movement, considering the route it moved and necessity for transfers.

"Records at Dodge City show the way-bill accompanied the car west from that point. For some reason it was carried by Syracuse, and the way-bill either misplaced or lost. Our agent at Syracuse claims that he received the bill by mail on October 15, which was the first he knew of the shortage. He immediately took proper action to recover the goods. The shipment was returned from the west and unloaded at Syracuse on October 18, but short a bbl. of household goods. The conductor handling the shipment west of Dodge City is now out of service, and he is the party that is evidently responsible for the improper handling."

A copy of such answer was forwarded to complainant for his information.

No. 569.—Filed October 24, 1906.

TELEPHONE WIRES.

Union Pacific Rld. Co. *vs.* S. V. Henderson.

N. H. Loomis, as attorney for the Union Pacific Railroad Company, filed a petition alleging that S. V. Henderson, of Linwood, had stretched a telephone wire across its right of way and tracks near Lenape, Kan., and that such wire is dangerous for the reason that poles used are too

small and insufficient in all respects, and that if such crossing is not changed and brought to the standard set by the rules of the Board accidents will certainly result and damage be caused.

A copy of such petition was forwarded to the respondent, together with a copy of the rules of the Board, and the respondent was requested to advise the board whether or not such crossing would be brought to standard without the necessity of further or formal action in the premises.

On November 2 a communication was received from the respondent stating that the rules of the Board had been fully complied with. A copy of this communication was forwarded to the complainant and the case was closed.

No. 571.—Filed November 9, 1906.

AGENT.

W. H. Starrett *et al. vs.* St. L. & S. F. Rld. Co.

W. H. Starrett and 100 others, citizens of Neutral, in Cherokee county, Kansas, filed their petition alleging that the St. Louis & San Francisco Railroad Company fails and refuses to maintain an agent at that station, and asks an order of the Board granting them relief in the premises. A copy of this complaint was forwarded to the legal department of the respondent company, and after considerable correspondence in the premises a communication was received from Mr. L. F. Parker, general solicitor, in which he stated:

"I beg to advise that after investigation of the conditions at this point, the management has deemed it advisable to establish an agency and telegraph office at Neutral, and this will be done as soon as a proper man can be secured for the place."

A copy of this communication was forwarded to the complainant and the case closed.

No. 572.—Filed November 13, 1906.

DISCRIMINATION IN FURNISHING CARS.

Russell, Cubbison & Co. *vs.* M. K. & T. Rly. Co.

Russell, Cubbison & Co., of Bayard, Kan., complain that the Missouri, Kansas & Texas Railway Company discriminates against them in the matter of furnishing cars for grain shipment.

A copy of this complaint was forwarded to the legal department of the respondent company, and it answered as follows:

"Answering your favor of November 13, in relation to complaint of Russell, Cubbison & Co., of Bayard, Kan., in which they allege discrimination on the part of this company in the matter of furnishing cars for the shipment of grain, will say that I have referred the matter to Superintendent Walton. However, on the 9th of this month there was issued by Superintendent Walton a general order to agents of this road, in which it was provided, among other things, as follows:

" 'Be sure shippers are given their proportion of all available equipment you may have for distribution and fill the orders in the order in which they are received, provided suitable cars are available. *There must be no discrimination whatever.*'

"I have advised our people in this matter of furnishing cars to make no discrimination whatever, and that the demands made for cars must be filled in the regular order in which received, and this irrespective of the fact as to whether it is a state or interstate shipment. Perhaps there has been some confusion among agents before the issuance of this circular as to whether interstate shipments should be taken care of in preference to state shipments, and I have advised that no preference should be made and all parties shall be treated alike and in their regular order. As you know, the interstate commerce law is very strict that we shall make no preference and no discriminations, and yet, upon the other hand, the reciprocal demurrage law of Kansas seems to require that we should make preference and discrimination in favor of shipments wholly within the state. We are trying to comply with every reasonable demand and keep within the spirit of the interstate commerce act and the Kansas reciprocal demurrage law."

A copy of such answer was forwarded to the complainant, with the statement that the instructions issued by the management *in re* the furnishing of cars should afford the relief prayed for.

No. 575.—Filed November 22, 1906.

CONFISCATION OF COAL.

La Crosse Lumber and Grain Company *vs.* Mo. Pac. Rly. Co.

The La Crosse Lumber and Coal Company complains of the action of the Missouri Pacific Railway Company in confiscation of shipments of coal. A copy of the complaint was forwarded to Hon. Frank Doster, attorney for the respondent company, with the request that such action be taken in the premises as would afford complainants all possible relief from future embarrassment of this kind. A communication was received from the respondent stating that the request of the Board would be complied with, and the case was closed.

No. 577.—Filed November 28, 1906.

DISCRIMINATION.

Ebel Bros. *vs.* A. T. & S. F. Rly. Co.

Ebel Bros., of Hillsboro, Kan., appeared before the Board and entered a complaint against the Atchison, Topeka & Santa Fe Railway Company on account of discrimination against Hillsboro and in favor of Canton, Peabody and Newton, in the matter of furnishing cars for shipment of grain. To this complaint Mr. J. E. Hurley, general manager of the respondent company, answered as follows:

"Further, in connection with my letter of December 31 in regard to complaint of Ebel Brothers of car shortage at Hillsboro:

"Mr. Fox just advises me that his investigation develops that during the first twenty-four days of December there were thirty-nine cars moved to the mills at Hillsboro. Of this amount Ebel Brothers received thirty cars, and their competitor, Mr. Classin, nine. Ebel Brothers admit that four-fifths of the cars furnished Hillsboro is about their proportion, according to the business done, and this indicates that they are receiving all they are entitled to, consistent with the available car supply.

"For your information, I would state that these people seem to have

in mind that making numerous and vigorous complaints to every one concerned will increase their supply of cars. There is no question at all but that Hillsboro has been as well supplied as any point in the country, considering the great scarcity of equipment. It is our intention to continue to make an equitable distribution of available cars regardless of these or other shippers."

A copy of the respondent's answer was forwarded to complainant, with the statement "it would seem that your firm has been well taken care of so far as discrimination is concerned. Your station has probably not received all cars ordered, but this condition prevails at almost every Kansas station and is one that the Board is doing everything in its power to correct."

No. 579.—Filed December 3, 1906.

SERVICE AT STATION.

S. E. Barton *vs.* A. T. & S. F. Rly. Co.

S. E. Barton, of Cimarron, Kan., alleges that the station service afforded by the Atchison, Topeka & Santa Fe Railway Company at that station is insufficient to meet the requirements of the shipping public, and asks the Board to grant relief in the premises. A copy of such complaint was forwarded to the respondent company, and it answered as follows:

"Returning papers received with your letter of December 7 in regard to complaint of above party concerning conditions at Cimarron:

"It seems that last summer, during the time when relief agent was in charge at that station, a box of tin shipped to this party was left on the depot platform several hours and was damaged by the dew and probably rusted. He was also short a bundle of sheet iron, which is being traced through our freight auditor's office.

"The local officials have inquired into the conditions existing at Cimarron, and, while nothing has been found which would warrant this party's complaint, steps have been taken to see that there is no cause for any further justifiable communication from Mr. Barton."

A copy of such answer was forwarded to complainant with the statement that the case had been closed upon the statement of Mr. Hurley that steps had been taken to see that there was no cause for any further justifiable complaint.

No. 580.—Filed December 6, 1906.

CONDITIONS AT STATION.

Charles S. Huffman *vs.* M. K. & T. Rly. Co.

Charles S. Huffman, of Columbus, Kan., alleges that the depot service afforded by the Missouri, Kansas & Texas Railway Company at its station of Mineral is insufficient to meet the necessities of the traveling public.

A copy of such complaint was forwarded to the legal department of the respondent company, and it answered as follows:

"Concerning matter of complaint made by Sen. Chas. H. Huffman, of Columbus, Kan., to Hon. G. W. Wheatley, chairman of Board of Railroad Commissioners, as to action of party in charge of depot at Mineral, beg leave to report that at the time spoken of by Senator Huffman we had no

night force at that station. The first train due there requiring the attention of the day force was at 6:15 A. M. There is a porter whose duty it is to meet train No. 81, due at that point at 9:05 P. M. This man sleeps in the office, at the request of the agent, in an attempt to prevent the freight room from being burglarized, we having had a great deal of trouble there, previous to this arrangement having been put in effect, on that account. This man is supposed to keep the waiting-room open for the reception of passengers, and claims that he has done so except in cases where the train was reported late, which would require him to remain on duty an unreasonable length of time and which we do not expect. But we do expect him to leave the waiting-room open when the weather requires, and with ample fuel to replenish it under such conditions. We were not aware that it was not being done until complaint was made by Senator Huffman. It has been arranged for the agent, Mr. Skinner, to meet this train from now on personally, and consequently there will be no further cause for complaint. I am advised by superintendent that the offender in this particular instance will be removed from the service in the near future.

"I enclose you correspondence file containing letter of Supt. J. W. Walton under date of December 11, 1906."

A copy of such answer was forwarded to the complainant with statement that inasmuch as arrangements were being made to afford the relief prayed for the case had been closed.

No. 581.—Filed December 11, 1906.

CAR SHORTAGE.

In the matter of request from Interstate Commerce Commission for investigation as to car-shortage conditions in Kansas.

On December 11, 1906, the Board of Railroad Commissioners received the following communication from the Interstate Commerce Commission:

"This commission has instituted an inquiry into the general subject of car shortage, with the purpose of determining, if possible, what the reasons may be for the very general complaint on the part of shippers that transportation facilities are at present inadequate to the demands of the country.

"It is our purpose to deal with not only the matter of car supply, but with the much broader questions of car use, car handling, terminal facilities, car mileage per day, traction equipment, reconsignment, delays in loading and unloading, and all other questions directly connected with or relating to the manner of carrying freight from the point of origin to the point of destination.

"We beg to enlist your services in this matter to the extent that you will favor us with such facts as you have at hand concerning the situation in your state, and this Commission would be pleased to receive whatever suggestions by way of remedy your Commission or any member thereof may desire to present."

After a thorough investigation of conditions prevailing in the state, and on January 2, 1907, the Board made the following report to the Interstate Commerce Commission:

"In further answer to your communication of the 11th ult., requesting that this Board furnish you with all possible information *in re* equipment in operation and service afforded by the common carriers doing business in the state of Kansas, the Board is pleased to forward you herewith a report of its investigation of transportation conditions obtaining in Kan-

sas, which subject the Board then had under consideration, based upon complaint of Hon. Carr W. Taylor, its attorney.

"That there is a great shortage of public service on the part of the common carriers, whether caused by a lack of proper appreciation of the duties owing by these public service corporations to their patrons, or by an unprecedented era of commercial prosperity and activity that could not have reasonably been anticipated, is a fact so patent and self-evident as to need no comment.

"The Board finds that the Kansas companies have expended large amounts of money in recent years for additional equipment, both in cars and locomotives, in an effort to keep abreast with commercial conditions; that for the years 1902 to 1906, inclusive, the following conditions in this regard obtained on the six large railroad systems doing business in this state:

"EQUIPMENT IN SERVICE, 1902.

	Box cars.	Flat cars.	Stock-cars.	Coal-cars.	Ref'r cars.	Other cars.	Total cars.	Locomotives.
A. T. & S. F.....	13,398	2,135	3,908	7,411	2,843	62	29,653	1,040
M. K. & T.....	7,212	713	495	2,867	99	200	11,586	330
C. R. I. & P.....	12,777	1,340	2,967	1,576	170	...	18,828	661
Mo. Pac.....	12,742	731	680	5,754	367	348	20,442	365
St. L. & S. F....	6,355	365	971	6,133	71	811	14,706	451
Union Pac.	8,201	264	2,077	2,202	377	...	13,121	489

"EQUIPMPNT IN SERVICE, 1904.

A. T. & S. F.....	16,024	2,190	3,871	8,193	4,581	1	34,860	1,306
M. K. & T.....	8,118	881	664	2,842	91	688	13,284	420
C. R. I. & P.....	21,137	2,358	4,014	4,631	338	49	32,527	1,156
Mo. Pac.....	15,905	771	1,114	7,140	366	332	25,628	466
St. L. & S. F....	9,807	777	876	8,678	94	951	21,183	711
Union Pac.	8,976	232	2,448	2,664	359	...	14,679	539

"EQUIPMENT IN SERVICE, 1906.

A. T. & S. F.....	18,038	2,278	3,678	8,324	5,515	938	38,771	1,458
M. K. & T.....	9,993	945	678	4,244	286	678	16,824	470
C. R. I. & P.....	22,752	2,342	3,607	4,873	1,775	...	35,349	1,233
Mo. Pac.....	15,153	1,084	663	6,984	338	...	24,222	489
St. L. & S. F....	12,807	1,163	684	9,287	40	153	24,134	785
Union Pac.	9,893	461	2,382	2,448	299	...	15,483	544

"From the above statement you will please note that the number of cars in the freight service during the year 1904 has increased approximately 31 per cent. over the number in service for the year 1902, and for the year 1906 the increase was 42 per cent. over the year 1902. The above figures, however, fail to give a definite understanding of the amount of increase in these companies' ability to serve the public, for the reason that in later years the companies have been generally putting into service cars with a capacity of from 80,000 to 100,000 pounds and locomotives with a much greater tractive power than that formerly used.

"The tonnage moved by the above-named companies on their respective systems is as follows:

	1902.	*1904.*	*1906.*
A. T. & S. F.....	9,128,574	9,513,801	10,620,131
M. K. & T.....	5,014,429	5,204,103	5,833,738
C. R. I. & P.....	8,361,238	11,145,900	14,728,760
St. L. & S. F.....	7,452,807	10,559,322	12,671,824
Union Pacific	5,381,019	6,645,698	8,397,744
Totals	35,338,067	43,068,824	52,252,197

"From these figures you will observe that the increase in the tonnage moved by these respective companies for the year 1904 over the year 1902 was 21 per cent., with an increase of 31 per cent. in the number of cars in the freight service and 37 per cent. in the number of locomotives in the service; that for the year 1906 the increase in tonnage moved, over the year 1902, was 47 per cent., with an increase of 42 per cent. in the number of cars and 49 per cent. in the number of locomotives.

"The Board finds that the above-named companies expended during the

year 1906, for repairs and renewals of freight-cars and locomotives, the following sums:

	Freight cars.	*Locomotives.*
A. T. & S. F.	$2,559,534 21	$2,413,627 11
M. K. & T.	665,859 90	914,400 68
C. R. I. & P.	1,950,915 73	3,090,919 67
Missouri Pacific	914,910 46	1,599,733 26
St. L. & S. F.	1,177,084 55	1,759,928 76
Union Pacific	1,706,666 70	1,636,968 98

"In view of the above facts, this Board has come to the conclusion that the prevailing conditions are not so much due to a lack of equipment with which to handle freight offered by Kansas shippers to companies operating in this state as to various other reasons, notably the lack of proper methods for the handling of equipment to the best possible advantage. The railroads operating in Kansas are practically all originating lines, the transportation of the large bulk of freight offered to them to its destination requiring said companies to allow their equipment to go to foreign lines, with a great degree of uncertainty as to the time of return thereof, there seeming to be no adequate rules of the companies or orders of your Commission requiring the prompt return of such equipment to the owners thereof.

"Another item having an important bearing upon the correction of existing freight traffic conditions is that of the inadequacy of the present terminal facilities to promptly handle shipments. Notwithstanding the present unprecedented increased commercial activity, this Board feels that the railroads operating in Kansas could care for the business offered by their patrons with a reasonable degree of despatch if they could secure the prompt unloading and release of cars at terminals. No road should be expected to furnish its cars for storage purposes; and, while it is true that all cars demanded have not been furnished and that all cars loaded have not been moved with despatch, yet the Board feels that this condition is due in the greater part to the congested condition of terminals and the consequent use of cars for storage purposes, together with inability of originating lines to secure a prompt return of equipment, it being used by foreign-line connections under the car-service rules in force, with the only penalty a very inadequate demurrage. As a notable instance of this kind, this Board especially recalls the report of your inspector, among others, to the effect that at the present time, at Galveston, there are approximately 14,000 loaded cars, with a constantly increasing number, yet the railroads, warehouses and wharf companies are only able to unload and return about 300 cars a day. While these conditions at Galveston are extreme, yet they represent generally conditions elsewhere.

"There is, generally speaking, a need for enlarged terminal facilities in Kansas, and upon inquiry as to the attitude of the companies in this regard, the Board has ascertained that very decided improvements will be made in the immediate future. As a notable instance of this, the Chicago, Rock Island & Pacific Railway Company expects to enlarge every terminal on its system, and to expend large sums at Herington, Caldwell, Liberal, Pratt and Armourdale, providing more than 100 miles of additional track at such points.

"The solution of this great problem, in the opinion of this Board, does not rest alone with the transportation companies. It has been estimated that in the last decade the traffic of this country has increased 110 per cent., yet on the part of shippers it is being handled with but slightly increased facilities. But few platforms, industry tracks, elevators or warehouses on the lines of these companies are adequate to accommodate the business that is being done by them. Dense traffic can only be handled by rapid disposition at destination.

"In conclusion, this Board earnestly recommends for your consideration the establishment of proper car-service rules, to be enforced by sufficient penalties to guarantee the prompt return of connecting-line equipment, and such action as you may be able to take in the premises as will relieve terminal conditions."

No. 582.—Filed January 5, 1907.

TELEPHONE WIRE CROSSING.

Union Pacific Rld. Co. *vs.* Pierce Telephone Co.

The Union Pacific Railroad Company filed a petition alleging that the Pierce Telephone Company maintains a wire crossing over its right of way and tracks at mile-post 86-11 and at a place not a public highway, and that said crossing is not properly constructed and is dangerous. A copy of such petition was forwarded to the respondent, with a copy of the rules of the Board regulating the stringing of wires over railroad right of way and tracks, together with the request that the respondent advise the Board whether or not it would bring such crossing to the standard required by the rules of the Board without the necessity of further or formal action in the premises.

On January 11, 1907, the respondent answered that the rules of the Board had been complied with, and upon forwarding a copy of answer to the complainant the case was closed.

No. 583.—Filed January 5, 1907.

TELEPHONE WIRE CROSSING.

Union Pacific Rld. Co. *vs.* The Clyde Telephone Co.

The Union Pacific Railroad Company filed a petition alleging that the Clyde Telephone Company maintains a wire crossing over its right of way and tracks leading to the elevator at Lawrenceburg, Kan., and that said crossing is defective and dangerous and does not meet the requirements of the Board. A copy of such complaint, together with the rules of the Board governing the stringing of wires over railroad tracks, was forwarded to the respondent, with the request that it advise the Board whether or not it will bring such crossing to standard without the necessity of further or formal action in the premises.

Upon receipt of answer of the respondent stating that the crossing had been made to conform to the rules of the Board, the case was closed.

No. 584.—Filed January 2, 1907.

TELEPHONE WIRE CROSSING.

M. K. & T. Rly. Co. *vs.* The Mutual Telephone Co.

The Missouri, Kansas & Texas Railway Company filed a complaint alleging that the Mutual Telephone Company maintains a wire crossing over its right of way and tracks six poles north of mile-post 135 on its Neosho division, and that such crossing is not maintained in accordance with the rules of the Board governing such matters. A copy of such complaint, together with the rules of the Board regulating the stringing of wires over railroad companies' right of way and tracks, was forwarded to Mr. J. C. Parker, president of the respondent company, with the re-

quest that he advise the Board whether or not he would bring such crossing to standard without the necessity of further or formal action in the premises.

On January 9 the respondent advised the Board that it would comply with the law and the rules of the Board at once. Upon transmitting this information to the complainant the case was closed.

No. 585.—Filed January 5, 1907.

DISCRIMINATION IN FURNISHING CARS.

L. E. Eads and C. R. Keller *vs.* Mo. Pac. Rly. Co.

L. E. Eads and C. R. Keller, of Yates Center, Kan., filed a complaint alleging that the Missouri Pacific Railway Company subjects them to discrimination in the matter of furnishing cars for the shipment of hay.

A copy of such complaint was forwarded to the management of the respondent company, and the following answer was filed:

"Referring to your letter of February 20, advising that on January 5 S. C. Holmes, attorney, of Yates Center, Kan., filed a complaint alleging discrimination in the manner of furnishing cars against L. E. Eads and C. R. Keller, of Yates Center, and in favor of their competitors, and my reply of the 21st, with the information that trainmaster, W. R. Davidson, and C. E. Warner, commercial agent at Fort Scott, met with the hay men at Yates Center yesterday, and advise as follows: We made satisfactory arrangements with Keller and Eads. They withdrew complaint filed with the Railroad Commissioners and have notified their attorney, Mr. Holmes, accordingly.

"My understanding is, from Mr. Davidson and Mr. Warner, that after meeting with these gentlemen they succeeded in convincing them that they had no grounds for discrimination. They were getting their share of the cars."

A copy of such answer was forwarded to the complainant and the case closed.

No. 586.—Filed January 16, 1907.

DISCRIMINATION.

Wm. Dunkle *vs.* Mo. Pac. Rly. Co.

Wm. Dunkle, of Muscotah, Kan., complains that the Missouri Pacific Railway Company discriminates against him and in favor of his business competitors in the matter of furnishing cars for shipment of grain. A copy of such complaint was forwarded to the management of the respondent company, and it answered thereto as follows:

"Comes now the above-named respondent and, for answer to the complaint of William Dunkle heretofore filed before your honorable body, denies that there has been any intentional or accidental discrimination in the distribution of grain-cars as against the complainant at the city of Muscotah, Atchison county, Kansas, as alleged in said complaint.

"The respondent states that it is a railroad corporation, incorporated and doing business under and by virtue of the laws of the states of Missouri and Kansas, and is engaged in transporting commodities between the states of Kansas and Missouri and other states, and is thus engaged in interstate commerce. That each and all of the cars requested by the

said William Dunkle, and heretofore furnished to the said William Dunkle at the said point of Muscotah, were used and intended to be used in interstate traffic and in the furtherance of interstate commerce; and owing to such fact your honorable Board is without jurisdiction in the premises to make any order herein. Notwithstanding the fact that such cars were and are engaged for interstate commerce, still your respondent alleges that at no time heretofore, and especially at the times alleged in the complaint and supplemental complaint, has there been any discrimination of any kind or character in the furnishing of cars as against the said William Dunkle, or as against any other patron of said railway company at said point.

"Your respondent alleges and charges the fact to be that out of all cars that were available and under the control of the respondent for the purpose of shipping grain from the city of Muscotah, the said William Dunkle has received the full amount to which he was entitled by virtue of his location, capacity to do business, and orders for cars filed with the agent of the respondent company at said town of Muscotah.

"The respondent states that said William Dunkle operates an elevator of a capacity of about 14,000 bushels, and that other parties at said city of Muscotah operate elevators with a capacity of about 24,000 bushels. That the facilities for loading cars possessed by the said William Dunkle have enabled him in the past to load cars, received during a stated period, within 41 hours and 20 minutes for each car; that during the same period other parties at said point have loaded cars within a period of 2 hours and 16½ minutes. That the furnishing of cars to the said William Dunkle, to be loaded with grain, results, owing to the extraordinary delay in the loading thereof, in a withdrawing of such cars for the time being from active use and operation.

"That, taking into consideration the capacity of the elevator of the said William Dunkle and his facilities for doing business, in conjunction with the capacity and facilities of other grain-elevators at said city of Muscotah, the said William Dunkle would be entitled, upon a *pro rata* division of cars at that point, to about one-third of all cars supplied at that point for the purpose of transporting grain, and yet your respondent alleges, and charges the fact to be, that within the present month of February, 1907, up to the filing of this answer, out of sixteen cars supplied for the purpose of hauling grain from the city of Muscotah, six of such cars have been furnished to the said William Dunkle, and ten thereof to other parties above mentioned, thereby furnishing the said William Dunkle with 60 per cent. of all cars distributed at that point, being 30 per cent. in excess of the number to which he would be entitled upon a *pro rata* distribution. This distribution of cars last mentioned is in no wise to be taken as a discrimination in favor of said William Dunkle, but is simply pleaded as evidence of the fact that the respondent is at all times ready and willing to furnish to its patrons at Muscotah and other places all possible facilities for the transaction of business.

"Wherefore, the respondent would ask that, having made full answer herein and shown that the said William Dunkle has fully received the relief for which he prayed, this matter be dismissed, and it go hence without further order."

A copy of such answer was forwarded to the complainant, with the statement that if the allegations of respondent as to the distribution of cars were correct, in the opinion of the Board he not only had not been discriminated against but had received all the consideration in the premises to which he was entitled.

No. 587.—Filed January 16, 1907.

DELAY IN TRANSIT.

Citizens of Tampa, Kan., *vs.* C. R. I. & P. Rly. Co.

The following message, signed "Tampa Citizens," was received by the Board:

"Oil delivered Hutchinson last Monday not here yet. Community entirely out for ten days. Kindly assist us."

A copy of such message was forwarded to the legal department of the respondent company, and the Board was advised that necessary action would be taken in the premises which would prevent a recurrence of such delay. Upon giving the complainants this information the case was closed.

No. 588.—Filed January 15, 1907.

AGENT.

Chas. H. Currier *vs.* Union Pacific Rld. Co.

Chas. H. Currier filed a petition praying for an order of the Board requiring the Union Pacific Railroad Company to establish and maintain an agent at Studley, Kan. A copy of such petition was forwarded to the legal department of the respondent company, and such company answered that the agent would be installed forthwith. A copy of such answer was forwarded to the complainant and the case closed.

No. 589.—Filed January 14, 1907.

AGENT.

C. C. Brown *vs.* Mo. Pac. Rly. Co.

C. C. Brown, of Arma, Kan., filed a petition asking that the Board require the Missouri Pacific Railway Company to maintain an agent at that station. A copy of such complaint was transmitted to the legal department of the respondent company, and it answered as follows:

"Replying to your favor of the 17th ult., enclosing copy of petition in above matter, we are now advised arrangements have been for the section foreman to unlock the waiting-room in the depot at Arma in the morning, build a fire, and leave a bucket of coal, so patrons may keep the fire up during the day.

"This is a temporary arrangement, and it seems to us should satisfy our friends until such time as permanent arrangement can be made for the occupancy of the building."

A copy of such answer was forwarded to the complainant, with the statement that in view of the fact that the arrangement proposed by the respondent was a temporary relief, in the opinion of the Board the complainants should be satisfied.

No. 590.—Filed January 18, 1907.

In the matter of A. T. & S. F. Rly. Co. bond issue.

On January 18 the Board received the following message from the house of representatives:

"WHEREAS, A meeting of the stockholders of the Santa Fe railroad has been called to meet in Topeka on January 30, 1907, to vote upon a proposal to increase the capital stock of the company $98,000,000, and also to vote upon a proposal to increase the bonded indebtedness of the company $98,000,000; therefore,

"*Resolved*, That the Board of Railroad Commissioners be requested to furnish the house of representatives with such information as they may have or can procure, explaining fully the object of this increased capitalization and indebtedness; that this report be made not later than Monday, January 21, that this legislature may take such further action as it may deem wise and necessary."

In compliance with the instructions contained in said resolution, the Board caused an investigation to be made in accordance with the terms thereof and submitted to the legislature the following report:

"On the 21st instant, Mr. W. R. Smith, general solicitor for Kansas of the Atchison, Topeka & Santa Fe Railway Company, and Mr. J. E. Hurley, general manager of said company, appeared before said Board. Thereupon Mr. Smith presented to the Board a telegram from Mr. E. P. Ripley, president of the Atchison, Topeka & Santa Fe Railway Company, a copy of which is as follows:

"'105 KS. Ry. SM. . . . 103 - DH. DH.

"'FRENCH LICK, IND., Jan. 20.

"'*W. R. Smith, Santa Fe Rly., Topeka, Kan.:* You can assure the Commission that every dollar of capital increase since the formation of present company represents a dollar invested in property for the company's use; also, that forty-three millions of earnings have been put into it which are not represented in the capitalization; also, that it is not intended at any time to add to capital account except as may be necessary to enable us to carry on our business and fulfil our duties to the public. If the owners of our property are willing to put up more, surely the state should be the last party to object. E. P. RIPLEY.'"

Mr. Smith then presented the Board a letter from W. B. Jansen, fourth vice-president of the Atchison, Topeka & Santa Fe Railway Company, a copy of which is as follows:

"CHICAGO, January 19, 1907.

"*Mr. W. R. Smith, Solicitor for Kansas, Topeka, Kan.:*

"DEAR SIR—Referring to the resolution passed by the Kansas house of representatives, requesting, through the State Board of Railroad Commissioners, information as to the proposed increase in the capital stock and bonded indebtedness of this company:

"I enclose herewith a copy of the call for the stockholders' meeting to be held in Topeka on Wednesday, the 30th day of this month, and a copy of the circular issued by President Ripley under date of December 5, 1906, to the stockholders, which explains quite fully the necessities for and proposed use of the additional capital.

"I have not seen an exact copy of the resolution in question, but I gather the impression from the newspaper comments thereon that it may be the belief of the members of the legislature that this company proposes to issue $98,000,000 additional capital stock and also $98,000,000 of new additional bonds. That this is not so will be reflected by the circular hereto attached, from which you will see that it is either the intention to offer the stockholders the right to subscribe for the additional common

stock of the company or, should the board so determine, to issue bonds to stockholders convertible into common stock, so that $98,000,000 represents the total intended increase in the capital of the company. If stock is put out there will be no additional bonds, but as yet the board of directors has not determined just what will be done in this respect.

"I believe that within the last few months it must have become more apparent than ever to all thinking men that the Atchison, Topeka & Santa Fe Railway Company, and most of the other railway companies of this country, must make very large expenditures for additional equipment and other facilities for the proper handling of the enormous business which is being done by the country at large, to say nothing of defraying the cost of new construction which must be undertaken if the development of the country is not to be retarded.

"If our stockholders vote to increase the capital stock of the company, as has been recommended by the board of directors, it is not the intention of the board to immediately put out the entire authorized increased capital, but only sufficient at this time—probably $25,000,000—to meet immediate demands; but we are paving the way for additional capital for use in the future as our necessities may require. Much of the funds so to be raised will be used in improving and adding to the property of the company in the state of Kansas, and I think it will be agreed when the matter is fully understood that our proposed action is fully justified. It is the wish of the management that the Honorable Board of Railroad Commissioners and the legislature should be fully informed in every particular as to our plans in this matter, and I have provided Mr. Copeland, our secretary, with additional copies of these circulars, which may be used, if so desired, for distribution among the members of the legislature.

"I shall be obliged if you will present this matter to the Railroad Commission at once, and if additional information is desired we shall be glad to provide it on request. Yours truly,

W. B. JANSEN, *Fourth Vice-president.*"

Thereupon Mr. J. E. Hurley presented to the Board an itemized statement, a copy of which is as follows:

Equipment bought last year, delivery of which has not been completed.

125	locomotives	$2,471,572 00
75	cabooses	85,100 00
2000	box	1,860,000 00
300	furniture	315,000 00
1000	stock	1,035,000 00
700	comb. coal and ballast	777,800 00
300	oil-tank cars	760,000 00
745	flat	633,250 00
1050	refrigerators	1,165,500 00
650	coal	635,800 00
150	flats	127,500 00
39	postal	289,770 00
50	coaches	537,500 00
62	large baggage-cars	327,600 00
2	cafe cars	27,502 00
4	diners	69,400 00
		$11,168,284 00

Ordered for 1907.

150	locomotives	$3,000,000 00
1600	coal-cars	1,811,300 00
400	comb. coal and ballast	461,600 00
2500	stock-cars	2,712,500 00
2500	box	2,325,000 00
500	refrigerators	555,000 00
100	cabooses	155,000 00
40	coaches	430,000 00
20	chair-cars	207,300 00
5	postal cars	36,150 00
17	baggage-cars	88,400 00
		$11,782,250 00
	Total	$22,950,534 00

Budget for 1907.

Eastern grand division (Mr. Fox's)	$5,299,088	78
Western grand division (Mr. Parker's)	2,221,782	42
	$7,520,821	20
Mechanical department—Topeka shops	$126,603	00
Eastern grand division	585,049	00
Western grand division	115,038	00
	$826,690	00
Supplemental (miscellaneous)	138,302	55
Grand total	$8,485,813	35

Mr. Smith thereupon testified that the issue contemplated by the Atchison, Topeka & Santa Fe Railway Company would consist of $98,000,000 of stock or bonds; that the Santa Fe directorate had not as yet determined whether or not this issue would be in the form of stocks or bonds; that the prevailing understanding that the issue contemplated was to consist of ninety-eight millions of stock and ninety-eight millions of bonds was a mistake. He said that the stock or bond issue would be used only for betterments and extensions of the property of the Atchison, Topeka & Santa Fe railway, among which, now in contemplation, were the building of a new line of railroad from Texico to Galveston, a distance of approximately 300 miles.

Mr. Hurley testified that, in addition to the construction of the Texico-Galveston line, the proceeds of this issue would be further invested in double-track construction between Chicago, Ill., and Kansas City, Mo.; to the ballasting of approximately 400 miles of line in Kansas, and to the enlargement of the Santa Fe terminals.

In explanation of the exhibit offered by Mr. Hurley and hereinbefore set forth, he stated that all maintenance of way, structures and equipment necessary to maintaining the property is paid for out of the earnings of the company; that any new betterment, such as equipment which is not contemplated to replace worn-out equipment, new bridges, new structures, new ballasting and new terminals, are paid for out of the proceeds of bond issues. In other words, all renewals and repairs necessary to maintaining the property from depreciation as a security are paid for out of the earnings of the company, and all betterments, improvements and extension work not in the nature of a replacement, and which adds to the value of the security, are paid out of the issues of bonds and stocks of the company.

Mr. Hurley further testified that only approximately $25,000,000 of the proposed increase of $98,000,000 of stock or bonds would be used at once, the purpose of the directorate being to have the remainder available for use as the needs of the system may demand from time to time and as the management is prepared to take up the additional improvements and betterments now proposed to be made by the company.

Both Mr. Smith and Mr. Hurley stated to the Board that the above information in regard to the proposed bond issue was as definite as could be secured in the limited time afforded, and that if it was not sufficient for the needs of the legislature they would be glad to furnish such further detailed information as might be desired.

No. 591.—Filed January 20, 1907.

DISCRIMINATION IN FURNISHING CARS.

W. H. Mattingley *vs.* A. T. & S. F. Rly. Co.

W. H. Mattingley, of Lewis, Kan., complains that the Atchison, Topeka & Santa Fe Railway Co. discriminates against him and in favor of his business competitors in the matter of furnishing cars for grain shipments. A copy of such complaint was forwarded to the management of the respondent company, with the request that it cause the merits of such complaint to be forthwith investigated, and if it was found that discrimination was being indulged in that the practice be discontinued. The respondent company answered to said complaint as follows:

"Returning herewith complaint from the Board of Railroad Commissioners sent me with your letter of January 23:

"We have been very short of equipment—at Lewis as well as at all other stations. However, our agent at that point has no instructions to refuse to furnish cars to wagon loaders, nor does it seem that he has refused; it is simply a matter of not having sufficient cars to go around, and, of course, in that the wagon loader is a smaller shipper he could not be furnished as large a percentage of equipment as the larger shippers, who order more cars. However, his order will be taken in every case and the equipment furnished in turn. In the investigation that I have conducted I do not find that there has been any discrimination.

"In regard to the agent refusing to accept the one-fourth of the freight money on the shipment, this was an interstate shipment, and the agent therefore declined to accept the deposit."

A copy of such answer was forwarded to the complainant, with statement that if the management of the respondent company furnished him his *pro rata* share of equipment in turn as shown by his orders on the car order-book, this action on its part would be all that the Board would feel warranted in requiring.

No. 592.—Filed January 20, 1907.

FREE TIME FOR UNLOADING COAL.

R. H. McBride *vs.* C. R. I. & P. Rly. Co. and Union Pacific Rld. Co.

Gov. E. W. Hoch filed with the Board a complaint signed by R. H. McBride, of Mankato, Kan., alleging that the Chicago, Rock Island & Pacific Railway Company and the Union Pacific Railroad Company contemplate a reduction in the free time for the unloading of coal. The complainant was advised that the Board had not received any information to the effect that the respondent railroad companies intended to reduce the free time for unloading coal, and that if such was their intention the Board was without jurisdiction to be of service, as it in no case had power to issue restraining orders, such jurisdiction lying before the courts rather than before the Board of Railroad Commissioners.

No. 593.—Filed February 4, 1907.

IMPROPER SHIPPING RESTRICTIONS.

Geo. K. Bideau *vs.* Mo. Pac. Rly. Co., M. K. & T. Rly. Co., and A. T. & S. F. Rly. Co.

Geo. K. Bideau, of Chanute, Kan., complains that the above-named respondents refuse to furnish him cars for the shipment of hay unless such hay is billed to some commission house, such action on the respondents' part depriving him of the benefits of the open market. Copies of such complaint were forwarded to the legal departments of the respondent companies, and the Board made a thorough investigation of the merits of the complaint.

After the conclusion of such investigation the complainant was advised that the results thereof showed that the respondent companies had not refused to bill cars to whom he had requested consignment; that the occasion for the complaint arises from the fact that there has been a general car shortage prevailing on the principal roads throughout the state, and such railroad companies have been unable to fill all orders for cars. The Board further found that complainant had not been discriminated against in the matter of furnishing cars.

No. 594.—Filed February 7, 1907.

STATION FACILITIES.

Carr W. Taylor, attorney for the Board of Railroad Commissioners of the State of Kansas, *vs.* A. T. & S. F. Rly. Co.

Carr W. Taylor, as attorney for the Board of Railroad Commissioners of the state of Kansas, filed a complaint with said Board asking that the Atchison, Topeka & Santa Fe Railway Company be required to maintain a waiting-room in its yards at Emporia, Kan., for the accommodation of stock shippers; that all freight-trains carrying stock be required to stop at such waiting-room.

A copy of such complaint was forwarded to the legal department of the respondent company, with the request that the merits of the complaint be investigated and all needed relief in the premises be granted without the necessity of formal action on the part of the Board.

On April 5 the management of such respondent advised the Board that it had issued the instructions necessary to grant such relief in the premises as would be satisfactory to the stock shippers of the state.

No. 595.—Filed February 9, 1907.

GRAIN RATES.

In the matter of the intervention of the Board of Railroad Commissioners in the case of the Farmers, Merchants and Shippers Club of Kansas *vs.* A. T. & S. F. Rly. Co. *et al.*, pending before the Interstate Commerce Commission.

On October 10, 1906, the Farmers, Merchants and Shippers Club of Kansas filed before the Interstate Commerce Commission a complaint

praying that the Interstate Commerce Commission require the Chicago, Rock Island & Pacific Railway Company, the Chicago, Rock Island & Gulf Railway Company, the Houston & Texas Central Railroad Company, the Galveston, Harrisburg & San Antonio Railway Company, the Galveston, Houston & Henderson Railroad Company, the International & Great Northern Railroad Company and the Gulf, Colorado & Santa Fe Railway Company to establish such rates for the shipment of grain from stations in Kansas to Galveston, Tex., as the Interstate Commerce Commission, after full hearing in the premises, may deem reasonable and just.

On February 9, 1907, upon motion of the attorney for the Board, the Board of Railroad Commissioners asked leave of the Interstate Commerce Commission to intervene in such action, and, leave being granted, the Board filed its petition in intervention and instructed its attorney to assist in the prosecution thereof. After a full hearing in the premises, and on July 8, 1907, the Interstate Commerce Commission rendered the following decision:

"REPORT AND ORDER OF THE COMMISSION.

"The above cases involve the rates on grain from various points of production in Kansas to various markets. The district of origin is the same in both instances and the destinations are identical. The first case is against the Atchison, Topeka & Santa Fe Railway Company and its affiliated line, the Gulf, Colorado & Santa Fe Railway Company, over which it reaches Galveston and other Texas points. The second is against the Chicago, Rock Island & Pacific Railway Company and its connections from Fort Worth to Galveston and various Texas points. The two cases were heard together and may properly be disposed of in one report.

"Considerable testimony was introduced by the complainants respecting the value of the defendant lines and the net earnings of those lines, from which the complainants seek to draw the inference that the return which the defendants are receiving upon the value of their property is excessive. Upon the other hand, the defendants produced evidence tending to show that the cost of operation was increasing and that if present rates were reduced their net returns would be insufficient. While, in our opinion, this element in the case cannot be controlling of its disposition, it may be proper to make some general reference to the claims of the parties in these particulars before reaching a discussion of the rates themselves.

"The complainants introduced as a witness a railroad contractor, resident in Kansas, of very considerable experience in railway construction and familiar with the different lines of the defendants in that state. This gentleman testified that in his opinion the main lines of the defendants could be reproduced at the present time for $25,000 per mile, and their branch lines for $15,000 per mile. According to his definition of main and branch lines, about one-half the Santa Fe system in Kansas would be main line, while a much less proportion of the Rock Island system would fall into that class. This estimate did not include equipment, nor did it, as we understand, allow anything for cost of right of way, or for special terminal expense.

"This witness was apparently well qualified to testify in the general manner in which he did, and it occurs to us that his estimates, so far as they went, may not have been far from correct. He did not, however, profess to have any knowledge of the cost of the equipment used by the defendants, nor did he take into account the expense of procuring the right of way, which is much larger than would be commonly supposed; nor the ever-increasing cost of providing terminals at towns of considerable size. The testimony itself was extremely general in its character and was not based upon any accurate estimate after a detailed examination of the work to be done. About all the conclusion which can safely be drawn

from his testimony in this case and from the testimony taken by the Commission itself in other cases concerning the territory in question, and which in a general way we feel at liberty to refer to in deciding this matter, would be that the lines of the defendants devoted to this service are not unusually expensive to construct and maintain. The character of the country is such that the amount of grading is not excessive, the bridges are neither very numerous nor very expensive, and, on the whole, the cost of building and maintaining is not unusual. There is nothing in the physical characteristics of the railroads of these defendants under investigation which justifies the imposition of rates otherwise unreasonable or discriminatory.

"The complainants also introduced the financial reports of the defendants, both those to their stockholders and those to the Commission. For the year ending June 30, 1906, the Santa Fe Company, according to its eleventh annual report to its stockholders, operated about 8400 miles of railway. Its funded debt was $28,355 per mile. It had remaining, after paying operating expenses, the interest on this debt, taxes and all other expenses, and fixed charges, over $16,500,000, or approximately $1865 per mile, net surplus available for the payment of dividends.

"The Rock Island Company operated during the same year, according to its report to its stockholders, 7218 miles. It has a funded debt of about $25,000 per mile. After paying cost of operation, interest, taxes, and all fixed charges, there remained in round numbers $6,785,000, or $940 per mile, available for the payment of dividends.

"Of the entire lines operated by the Santa Fe about one-third in mileage are situated in the territory covered by this complainant, and perhaps even a greater proportion of the mileage of the Rock Island is to be found in this section. We have no information as to the cost of constructing, maintaining and operating this part of either of these systems, as compared with the rest, nor as to the relative gross and net earnings here and elsewhere.

"The defendants urge that the reductions asked for ought not to be made at this time, because the cost of nearly all materials entering into the construction and maintenance of a railroad is increasing, and because, especially, they either already have advanced or must in the near future materially advance the wages paid their employees. There can be no doubt that the defendants are correct in their claim that the cost of operation from these causes will increase, although it is possible that increased business or increased economies resulting from various causes may more than offset this increase in the expense of operation.

"In 1902 there was a disposition upon the part of railways in this section to advance their freight rates, and several investigations were conducted by this Commission into the propriety of those advances, in which these defendants, among others, were involved. It was then urged by the carriers that they must obtain more revenue in order to preserve the integrity of their net earnings, in view of the enormous increases in operating expense. The Santa Fe, among others, made that claim. This company had increased its surplus, after paying all expenses, including taxes and interest on its entire debt, from $4,000,000 in 1899 to $9,000,000 in 1900, $12,000,000 in 1901, and $15,000,000 in 1902. It was not, perhaps, seriously complained that the surplus of $12,000,000 which it had in 1901 was not a sufficient return to its stockholders, or that the entire increase to $15,000,000 in 1902 ought to be maintained; but it was insisted, and without doubt honestly insisted, that, owing to the very great increase in cost of materials and in wages, its net earnings must fall to a point which would not allow its stockholders an adequate return unless freight rates were advanced. Nevertheless, it appears that not only has the surplus of $12,000,000 in 1901 been maintained, but that it has grown to a surplus of almost $17,000,000 in 1906, although the average freight rate for the year 1901 per ton mile was greater than for the year 1906, being 0.937 cent in the former and 0.899 in the latter year.

"It is not certain, therefore, that the total result of these increases in

operating expense would be a loss of net revenue; nor does it appear that if this were the result some substantial dimunition of net revenue might not be made and still leave that company a very adequate return upon its investment.

"About all we can say upon this whole subject is that we find nothing from this testimony upon either side abnormal. The revenues of these companies have been large for the last few years; but during that time every kind of business has enjoyed a period of unusual prosperity. They should have been large. If owing to any cause they should be somewhat reduced they would still be sufficient. We do not find, upon the one hand, that these revenues are so overgrown that they should be cut down for that reason, nor, upon the other, so slender that we may not properly reduce rates which otherwise would be unreasonable or remove discriminations which appear to be unjust.

"Coming now to the rates themselves, we find that three distinct classes of rates are put in issue. First, rates from country stations to Kansas City, Mo.; second, rates from the same points to Galveston for export; third, rates to various Texas points for domestic consumption.

"RATES TO THE MISSOURI RIVER.

"A very considerable part of the grain grown in Kansas moves, in the first instance, to the Missouri river or east. The rate, therefore, from the field to Kansas City is of very great importance to the grain growers of that state. These rates upon the defendant lines are all challenged by this complaint, the assertion being that they are excessive.

"Transportation from the Kansas grain field to Kansas City, Mo., is interstate, and therefore subject to the jurisdiction of this Commission. Transportation to Kansas City, Kan., is entirely state, and hence not within our purview. The elevators in which this grain is handled are to a considerable extent situated at Kansas City, Kan., and it is agreed that no higher rate could be maintained to Kansas City, Mo., from these points of origin than was in effect to Kansas City, Kan. In substance, therefore, these rates from the field to the Missouri river are entirely within the state of Kansas and entirely within the control of that commonwealth. Now, at the last session of its legislature the state of Kansas, by direct statutory enactment, reduced all grain rates within that state fifteen per cent. This reduction has been accepted by the railroads and applied to the rates before us. Inasmuch as these rates are completely within the jurisdiction of the state of Kansas, and inasmuch as that state has acted upon that subject since this complaint was filed, this Commission cannot with any propriety whatever examine and pass upon these rates upon the petition of these residents of the state of Kansas and of the Board of Railroad Commissioners of Kansas. We are not, of course, legally concluded by the action of the legislature, but when this state has acted upon a subject which peculiarly concerns it, we ought not, in the absence of strong reasons to the contrary, to interfere with the action taken.

"EXPORT RATES TO GALVESTON.

"The complaint with respect to export rates *via* Galveston is twofold; first, that they are discriminatory, and, second, that they are excessive in and of themselves. The position of the complainant can be best shown by taking an actual example, and for that purpose we will use the rates in effect at the date of the filing of this petition, taking, by way of illustration, the city of Wichita as the point of origin.

"On January 1, 1907, the export rate on wheat from Wichita was 28½ cents per 100 pounds; from Kansas City 17½ cents per 100 pounds. The Rock Island line extends from Kansas City through Wichita to Fort Worth, where it makes connection with other lines for Galveston. The line of the Santa Fe extends from Kansas City the entire distance to Galveston. While that line sometimes uses a cut-off for the handling of its traffic, so that freight from Kansas City to Galveston does not of necessity pass through Wichita, still to every practical intent the city of Wichita is also on this line. Hence, a car-load of wheat transported by either of

these defendants from Kansas City to Galveston would be hauled through Wichita, a distance about 225 miles greater than as though it were taken up at Wichita itself. These complainants insist that it is a discrimination against Wichita to charge that locality a rate of 11½ cents more per 100 pounds for the transportation of grain to Galveston, a distance of 724 miles, than is charged from Kansas City, a distance of about 950 miles, when the transportation from Kansas City is through Wichita.

"In order to understand this situation it is necessary to repeat certain fundamental facts which have been often stated by this Commission and which are familiar to all persons who have carefully considered these grain rates.

"Originally our railroads were built from the Atlantic seaboard westerly to the grain fields, and grain was first exported by rail through the Atlantic ports. These lines were gradually extended westerly into the grain fields, largely for the purpose, in the first instance, of carrying this grain to the East. They had reached the Missouri river before any other outlet for the grain was discovered.

"Finally, however, lines of railway were opened up from these grain fields to the Southern ports, of which the principal were Galveston and New Orleans. The government of the United States has expended large sums of money for the purpose of so improving these harbors as to invite to them the shipping of the world. Under the influence of these conditions Galveston became in the year 1906 the second port of export in the United States in the value of its exports. Meantime, Kansas City had also grown to be and is now an important primary grain market to which grain is brought from all sides and out of which it is sent in all directions.

"Considerable quantities both of wheat and of corn are exported to Europe. Consider, now, from a traffic standpoint, the situation of this grain at Kansas City which is destined for a foreign market. It is plain that it may reach Liverpool, taking that for illustration as its final destination, by passing from Kansas City to Chicago and thence *via* the all-water, the lake and rail, or the all-rail lines to the Atlantic seaboard, or it may go directly by rail through some Mississippi river crossing to the same points, or it may find its way south either to Galveston or to New Orleans. By whatever route it goes the rate must be the same, for the price at Kansas City is the same and the price in Liverpool the same. In point of fact, the cost of the ocean carriage from Galveston to Liverpool is more than from New York and other Atlantic ports, and if the ocean part is more it follows that the inland part must be less, since the total must be the same; hence, the rate from Kansas City to Galveston must be lower than that from Kansas City to New York.

"This condition has of necessity been highly competitive. The Eastern lines have extremely disliked to relinquish the traffic which they had enjoyed in the past and which they were built to enjoy, while the Southern lines have found it necessary to obtain this traffic almost as the price of existence. Rates from Kansas City in all directions have been, under the influence of this competition, forced down to a very low level. It is well understood that until about 1902 no serious attempt was made to observe the published rate upon this grain traffic, and that from 1902 until the taking effect of the amendment of 1906 there was more or less deviation from the published tariff in the case of these export charges. It has generally been easy to agree upon the publication of a higher rate from Kansas City, but straightway some carrier in some direction has departed from that rate, which has led to corresponding action by some other carrier in the same or in some other direction, and this has finally induced the publication of the lower rate. To-day it is much easier to advance this rate and maintain that advance. As a result of all this competition it is probable that for the last ten years the average rate actually paid from Kansas City to Galveston for export has not exceeded from 12 to 16 cents, although the published rate has usually been somewhat higher. The fact of these low rates from Kansas City and the

reason for their existence must be kept thoroughly in mind by whoever would understand this situation.

"Keeping this in mind, we may now inquire how the rates of which complaint is made in this proceeding have been established.

"Several lines of railroad reach Galveston from Kansas City, the short line being the Missouri, Kansas & Texas, which runs nearly due south. The two defendant lines, the Rock Island and the Santa Fe, leave Kansas City in a westerly direction, running through the wheat belt of Kansas to the west for some 200 miles and then turning south through Kansas and Oklahoma territory to the Gulf. The distance by these lines is considerably longer than by the Missouri, Kansas & Texas, being approximately 950 miles. The rate from Wichita to Kansas City had been for some time previous to January 1, 1907, 14½ cents; that from Kansas City to Galveston perhaps 16 cents. It is evident that under these circumstances no higher rate from Wichita to Galveston could be maintained than the combination on Kansas City, or 30½ cents, for the shipper of grain could send it into Kansas City and reship it from Kansas City through Wichita for that sum. Originally all these export rates from the section covered by this complaint were made upon this basis and were the export rates from Kansas City plus the local rate from the station to that market.

"It is plain that the interest of the Santa Fe line, for example, would be to haul this grain directly to the Gulf if it were to go there finally, since it would under those circumstances be required to transport it but about 724 miles, whereas if it carried it to Kansas City and back that distance would be increased by about 450 miles and also by two terminal services, while the amount received would in either case be exactly the same. This has led these defendants to insist that rates from Kansas stations should be so adjusted as to permit and induce the grain to move in the first instance to Galveston, and this claim has finally so far prevailed that from certain sections of Kansas these export rates are reduced sometimes 1 and sometimes 2 cents below the combination. Let it be borne in mind, however, that the rate from Kansas City has always controlled these export rates from southern Kansas by furnishing the basis upon which those rates have been established.

"It is alleged in the complaint, but not very seriously insisted upon in argument, that to maintain a lower rate from Kansas City than from Wichita is a violation by these defendants of the third and fourth sections of the act. Plainly that claim cannot be sustained. The decisions of the supreme court of the United States, which are too well known to need citation here, put it beyond question that a rate like that from Kansas City to Galveston, which is actually forced by controlling competition, cannot be taken as the standard by which to estimate the reasonableness of rates where such competition does not exist. We are compelled to find the fact of the competition, and we must therefore hold that the claim of undue discrimination is not made out.

"This leaves for our consideration the inherent reasonableness of these rates. Are they, considered in themselves, fair charges for the service performed? In the past the rate from Wichita to Galveston for export has been determined by the rate from Wichita to New York. Wichita is 724 miles from Galveston, approximately 1600 miles from New York. The cost of hauling this grain for the first 500 miles, at least, is practically as great toward the East as toward the South. The total cost of hauling it to New York must, upon every consideration, be much greater than to Galveston. We think the time has come when these rates from southern Kansas should no longer be established with respect to Kansas City, nor upon a competitive basis; but that their reasonableness should be inquired into as an independent proposition.

"The first suggestion of the complainant is that the Wichita rate to Galveston is too high because the defendants accept a much less sum for a longer haul over the same line. If the defendants can transport grain for 17½ cents 950 miles from Kansas City through Wichita, then certainly 28½ cents for 724 miles from Wichita is too much.

"We have already stated the reasons why the rate from Kansas City cannot be used as a standard of comparison in determining the reasonableness of that from Wichita. These defendants accept 17½ cents from Kansas City, not because they believe that to be a just and reasonable compensation, but because they can get no more. This being so, it would be unfair to compel them to apply the same rate at all intermediate points. There is a view, however, in which it is proper to consider the rate which has been and is now maintained from Kansas City.

"The supreme court has held that carriers in meeting competitive rates are not justified in carrying traffic for less than cost, since they would thereby impose upon non-competitive traffic the burden of the loss. We must assume, therefore, that the rates which have prevailed from Kansas City to the Gulf have paid the carriers something over and above the cost of the movement. If the average rate for the last ten years received by these defendants has been perhaps 13 or 14 cents from Kansas City, it is fairly to be assumed that the actual cost of moving the traffic is something less than this, and it is certainly a persuasive argument that if the actual cost of hauling wheat is less than 14 cents per 100 pounds for 950 miles, a just rate for transporting wheat over the last 724 miles of that distance would not equal 28½ cents.

"The same sort of an argument is to be found in the divisions which are accepted by lines carrying this grain south from north Texas junctions. The Rock Island lines, for example, terminate at Fort Worth, and this traffic may be handled south of that point over several different connections. It is stated by the International & Great Northern in its answer to another complaint of this same character, which was heard in this connection, that its division upon this business on wheat originating in Kansas and Oklahoma territory is 5.58 cents per 100 pounds, the distance being about 340 miles. In the same case the answer of the Houston & Texas Central Railroad Company states that it and its connection receive for carrying this grain from Denison to Galveston, 396 miles, the same division of 5.58 cents. It was said upon the argument that the divisions now paid by the Rock Island were larger, being in some cases as much as 7 cents per 100 pounds. These divisions are of course agreed to under the compulsion of intense competition, but it is still significant that this traffic is sufficiently attractive so that carriers at Fort Worth are willing to receive and transport it for one-half the entire distance from Wichita to Galveston for not exceeding 6 or 7 cents per 100 pounds.

"In Mayor, etc., *v.* Atchison, Topeka & Santa Fe Rly. Co. *et al.*, 9 I. C. C. 534, this same rate from Wichita was under consideration, and speaking of the desirability of the traffic we then said:

> "'To say that this traffic is among the most desirable of any handled by these defendants would be to repeat what has often been stated by this Commission and what is familiar knowledge to all persons having any acquaintance with the subject. Cars are loaded without expense to the carrier; they can be loaded to their full capacity, whatever that may be; they are collected without undue expense and are hauled as a through proposition for nearly or quite 700 miles, often in solid trainloads. The cost of delivery is not excessive. Formerly most of these cars came back empty, but to-day the greater part over most lines return loaded with traffic, which pays a rate almost or quite equal to that charged on grain.'

"None of the elements of desirability above mentioned are less to-day than then. The roadways of these defendants are better, their traffic is more dense, their earnings, both gross and net, are larger, and the return loading upon at least one of the defendant systems has increased since 1903.

"Taking into view the whole situation, we feel that a rate of 28½ cents from Wichita to Galveston for export is excessive and that the same ought not to exceed 25 cents. The complainants insist that the Commission should put in effect a blanket export rate from all these Kansas stations mentioned in the complaint; but we can see no good ground for doing so. Blanket rates are often applied for competitive reasons, but there is no condition of that sort which should control these rates. In long-distance rates like these it is proper and, indeed, almost necessary to extend the same rate over a considerable territory; but there seems to be no ground

for extending this over the whole state of Kansas. These export rates have always been graded, to an extent, according to distance, and values of real estate have more or less accommodated themselves to this system of rate making. There appears to be no sufficient reason why the disability of distance should be entirely removed. We do think, however, that in view of the long haul of this traffic to Galveston, difference in distance should perhaps be given somewhat less effect than it has been hitherto. Our conclusion is that rates from the stations named in the complaint, between 700 and 750 miles from Galveston, should not exceed 25 cents and that ½ cent per 100 pounds should be added or subtracted for each 50 miles in fixing the rate from the stations involved. Thus, stations between 750 and 800 miles should take a rate of 25½ cents; those between 650 and 700 miles, of 24½ cents.

"We are confirmed in the impression that these rates will be just by comparing with them the cost of moving to the port of export grain from other grain-producing sections of the United States. We have already remarked that there is no reason in the construction or operation of, or amount of business upon, these railroads which would impose upon this region rates which are unusually high.

"We find upon examination that the distance from Columbus, Ohio, to New York is 637 miles, and that the export rate in effect upon January 1 was 10 cents for both wheat and corn. This has been advanced at the present time to 13 cents, and probably fairly represents the cost to the shipper of transporting grain to the port of New York for export from the state of Ohio. The distance from Indianapolis, Ind., to the same point is 825 miles. The rate on January 1 was 12½ cents, now 15½ cents. This probably fairly represents the cost of moving grain for export from the state of Indiana to New York. From Springfield, Ill., to New York the distance is 1009 miles. The rate on January 1 was 16 cents, the present rate 19 cents, probably expressing the general cost of carrying wheat and corn from the state of Illinois to New York for export. To Des Moines, Iowa, is 1270 miles, the present export rate to New York being 26.9 cents on wheat, 25.5 cents on corn, which perhaps is about the average cost of transporting export grain from Iowa. In all the above instances the cost of carriage to the ports of Philadelphia and Baltimore for export is somewhat less.

"The rates to Galveston above indicated apply to wheat. Corn rates from this teritory for export have been lower than those on wheat by about 3 cents per 100 pounds. We think that this same differential should be preserved and that the rate on corn from Wichita to Galveston for export should not exceed 22 cents; other stations accordingly.

"Applying these principles to the different stations named in these complaints, the following rates result, and should not, in our opinion, be exceeded.

"Export rates on wheat and corn, C. L., in cents per 100 pounds, from stations in Kansas on the Atchison, Topeka & Santa Fe Railway to Galveston.

	Wheat.	*Corn.*		*Wheat.*	*Corn.*
Ellinor	26	23	Larned	26½	23½
Elmdale	25½	22½	Great Bend	26	23
Florence	25½	22½	Ellinwood	26	23
Sedgwick	25	22	Sterling	26	23
Wichita	25	22	Hutchinson	25½	22½
Arkansas City	24½	21½	Newton	26½	23½
Moline	25	22	Coolidge	28	25
Grand Summit	25	22	Kinsley	26½	23½
Winfield	24½	21½	St. John	26	23
Webber	27½	24½	Pratt	26	23
Concordia	27	24	Kingman	25½	22½
Navarre	26½	23½	Englewood	26½	23½
Hope	26	23	Ashland	26	23
Strong City	26	23	Coldwater	26	23
Lorraine	26	23	Springvale	26	23
McPherson	26	23	Rago	25	22
Canton	25½	22½	Mulvane	25	22
Scott City	27½	24½	Harper	25	22
Alexander	26½	23½	Anthony	25	22
Rush Center	26½	23½	Medicine Lodge	25½	22½
Lyons	26	23	Wellington	24½	21½

"Export rates on wheat and corn, C. L., in cents per 100 pounds, from stations in Kansas on the Chicago, Rock Island & Pacific Railway to Galveston.

	Wheat.	*Corn.*		*Wheat.*	*Corn.*
Dwight	26	23	Greensburg	27	24
Latimer	25½	22½	Wellsford	27	24
Herington	25½	22½	Pratt	27	24
Antelope	25½	22½	Langdon	26½	23½
Peabody	25	22	McPherson	26	23
Elbing	25	22	Canton	26	23
Furley	25	22	Ramona	25½	22½
Wichita	25	22	Kanorado	30	27
Caldwell	24½	21½	Clayton	29	26
Salina	26	23	Dellvale	29	26
Solomon	26	23	Kensington	28½	25½
Abilene	26	23	Lebanon	28	25
Pearl	26	23	Montrose	28	25
Woodbine	25½	22½	Belleville	27½	24½
Shady Brook	25½	22½	Munden	27½	24½
Liberal	28	25	Narka	27½	24½
Dodge City	27½	24½	Mahaska	27½	24½

"The defendants argued that the Commission in Mayor, etc., *v.* Atchison, Topeka & Santa Fe Rly. Co. *et al.*, *supra*, decided, in 1903, that 28½ cents was a reasonable rate for the carriage of this export grain from Wichita. This is not correct. The rate which we examined in that proceeding had been advanced from 28½ cents to 30½ cents. What the Commission did was simply to order the original rate restored. It was said in disposing of the matter that no opinion could be fairly expressed upon the record as to what a reasonable rate would be. We were also met with an even more earnest claim then than now that increased expenses of operation would seriously impair net returns, and we were at that time without much practical evidence of the actual result upon net revenues of these advances in supplies and wages.

"But aside from that it should be observed that it would not by any means follow, because the Commission declined to reduce this Wichita rate more than 2 cents in 1903, it ought not to be further reduced at the present time. When systems of rate making have become established and business conditions have adjusted themselves, it is a very delicate process to interfere with those systems, even though they are manifestly wrong. These rates from southern Kansas have been constructed upon a false basis for many years, but they have come to be a part of the rate adjustment of that country, and any alteration or correction must be gradual in its application. We hesitate to-day to change these rates because of the effect which it may perhaps have upon the milling industry of that locality.

"So long as flour is shipped to market over the same route which the wheat out of which that flour is ground ordinarily takes, an advance in both rates is not likely to produce an ill effect upon the miller. But where the flour moves in one direction and the wheat in another an alteration of the relative rates may injure the miller by raising the price of his wheat without a corresponding advance in the price of his flour. These rates which we have reduced apply to the movement of wheat for export. Flour ground in southern Kansas from this wheat is sold largely in Eastern markets, and when it moves for export is generally carried out through the Atlantic ports. A reduction of this export rate without a corresponding reduction in rates from other wheat-producing sections will tend to increase the price of this grain for export and to devote it to that trade. The price may therefore be advanced to the miller, although the competitive market in which he sells his product will remain the same. This complaint is, however, preferred by the grain growers of Kansas and is urged by the Board of Railroad Commissioners of that state, which has intervened for the purpose. It seems to be our duty, therefore, to put into effect what seem to us, under all the circumstances, to be just and reasonable rates, having in mind, among other things, the existence of this important industry.

"While these reductions are considerable in amount, it is not believed that their effect upon the net revenues of these defendants will be serious.

That we might have some opinion upon this subject, the defendants were requested by the Commission to furnish it with information showing the movement of grain from the Kansas fields to the various markets. From the statements thus filed it appears that the bulk of the movement is to the Missouri river, and that the direct movement from the field to Galveston for export is comparatively small. The Rock Island lines, for example, moved, in 1906, 2969 car-loads of wheat and 1380 car-loads of corn to the Missouri river, while they moved to Galveston for export but 624 car-loads of wheat and 76 car-loads of corn. Assuming that our average reduction amounts to 4 cents per 100 pounds—which is probably too high—and that 50,000 pounds is the average car loading, the total loss to the Rock Island Company would be $14,000. The movement upon the lines of the Santa Fe is larger, having been during the same year to the Missouri river 5918 cars of wheat and 1007 cars of corn, and to Galveston 2039 cars of wheat and 867 cars of corn. Upon the above assumption as to loading, this would involve a loss of $68,120 to that system.

"To these apparent losses are certain offsets. The export rate from Kansas City to Galveston has been advanced 1½ cents. The Santa Fe moved from the Missouri river to Galveston for export, in the year 1906, 1270 cars; the Rock Island, 343 cars. The advance of 1½ cents would apply upon this movement and would also probably extend, in a measure, to a certain part of the export movement which we have treated as a loss in all cases. Moreover, and more important still, the putting in effect of these new rates will doubtless tend to divert from Kansas City directly to Galveston considerable quantities of grain which hitherto have moved into the Missouri river over the lines of the defendants and thence to some port of export by some other line. This will materially add to the revenues of these defendant lines, and it is not at all clear that the putting in of these lower export rates to the Gulf from Kansas points will not actually increase their receipts.

"DOMESTIC RATES TO TEXAS POINTS.

"The third class of rates attacked in this proceeding are those from these same stations in Kansas to points in Texas for domestic consumption. For the purpose of naming these rates Texas is divided into four groups. Taking Wichita again as an illustration, the rates on wheat are to group 1, 33 cents; group 2, 35½ cents; group 3, 38 cents; group 4, 38 cents. Rates on wheat and corn from the stations under consideration seem to be in all cases the same to groups 3 and 4.

"Group 1 extends nearly across the entire breadth of the state of Texas east and west and is from 100 to 150 miles from north to south. Group 4 includes most of the southern portion of the state, groups 2 and 3 being comparatively small in area. The rates above named not only apply to any point in a given group, in the first instance, but under the various transit privileges allowed grain may be unloaded at an intermediate point and afterwards sent on to any point in Texas at the rate applicable to that group. These groups have been in effect in substantially their present form for a long time, and various business conditions relating to the handling and milling of grain have adjusted themselves to this system of rate making.

"The millers of Wichita Falls, the milling and grain interests of Fort Worth and Dallas, as well as similar interests from certain other towns in northern Texas, appeared and were heard in this proceeding. Neither the complainants nor the defendants nor any of the intervenors suggested that this group arangement should be interfered with. Indeed, it seemed to be the universal opinion that it ought to remain as it is. It was claimed that rates from certain points in Oklahoma were unduly high to near-by points in these groups; but considering merely the stations in Kansas which are involved in this complaint, there was no serious claim that this scheme of group rates might not properly be and, indeed, ought not to be retained. In view of the attitude of all parties, the Commission will not disturb in this proceeding this system of rate making.

"This leaves for consideration merely the reasonableness of the rates themselves. In determining that it must be carefully kept in mind that

we are passing not upon a rate from a particular point like Wichita to a particular point like Fort Worth. That rate is not merely to Fort Worth. It carries grain from Wichita into any part of group 1, and it gives to it the facility of stoppage in transit in any point in that group.

"It must also be borne in mind that these groups include the entire state of Texas and stand in relation one to another. For the additional payment of 5 cents per 100 pounds, grain which has paid a charge of 33 cents to Fort Worth from Wichita can be sent to any part of groups 3 and 4 and for 2½ cents to any part of group 2.

"If the complainants desire that this group system be retained, then the railways must have the benefit of the fact that these are not rates to individual towns, but rates to extensive areas. A rate of 38 cents from Wichita to group 4 cannot properly be compared with the export rate to Galveston, but must be treated as applicable to the entire territory covered by that extensive group.

"It must also be observed that the circumstances of the carriage under which this domestic traffic moves are much less favorable than those applicable to the movement of export business. There the haul is over the main lines of the railroads involved. It is in large quantities. The attractiveness of the traffic is shown by the fact that carriers from Fort Worth are willing to take it at that point and transport it to destination for from 6 to 7 cents per 100 pounds. Upon the other hand, while most of this domestic grain goes in the first instance to points like Fort Worth, Dallas, and Houston, in the end much of it is diverted to other points in the state, passing over roads upon which transportation is expensive and which ought to receive, whether they do or not, a division much larger than that paid lines leading south to Galveston.

"While it is impossible to say with any degree of confidence what may be a fair rate to these different groups, it is our impression that the domestic rate to group 4 may properly be 10 cents higher per 100 pounds than the export rate to Galveston, the same difference being observed between the different groups as now in effect. This would produce a rate from Wichita to groups 3 and 4 of 35 cents, to group 2 of 32½ cents, and to group 1 of 30 cents.

"The differential made by the carriers themselves in these domestic rates between wheat and corn seems to be considerably larger than that between these commodities when for export. The reason for this has not been stated to the Commission. We know of no reason from a transportation standpoint why this should be, and in fixing these rates the same differential of 3 cents will be observed. Upon this basis the Commission is of the opinion that domestic rates to groups 3 and 4 should not exceed the figures shown in the following tables for wheat and corn, and that to the other groups they should be less by 2½ cents to group 2 and 5 cents to group 1.

"Domestic rates on wheat and corn, C. L., in cents per 100 pounds, from stations in Kansas on the Atchison, Topeka & Santa Fe Railway.

	Wheat.	*Corn.*		*Wheat.*	*Corn.*
Ellinor	36	33	Larned	36½	33½
Elmdale	35½	32½	Great Bend	36	33
Florence	35½	32½	Ellinwood	36	33
Sedgwick	35	32	Sterling	36	33
Wichita	35	32	Hutchinson	35½	32½
Arkansas City	34½	31½	Newton	36½	33½
Moline	35	32	Coolidge	38	35
Grand Summit	35	32	Kinsley	36½	33½
Winfield	34½	31½	St. John	36	33
Webber	37½	34½	Pratt	36	33
Concordia	37	34	Kingman	35½	32½
Navarre	36½	33½	Englewood	36½	33½
Hope	36	33	Ashland	36	33
Strong City	36	33	Coldwater	36	33
Lorraine	36	33	Springvale	36	33
McPherson	36	33	Rago	35	32
Canton	35½	32½	Mulvane	35	32
Scott City	37½	34½	Harper	35	32
Alexander	36½	33½	Anthony	35	32
Rush Center	36½	33½	Medicine Lodge	35½	32½
Lyons	36	33	Wellington	34½	31½

"Domestic rates on wheat and corn, C. L., in cents per 100 pounds, from stations in Kansas on the Chicago, Rock Island & Pacific Railway.

	Wheat.	*Corn.*		*Wheat.*	*Corn.*
Dwight	36	33	Greensburg	37	34
Latimer	35½	32½	Wellsford	37	34
Herington	35½	32½	Pratt	37	34
Antelope	35½	32½	Langdon	36½	33½
Peabody	35	32	McPherson	36	33
Elbing	35	32	Canton	36	33
Furley	35	32	Ramona	35½	32½
Wichita	35	32	Kanorado	40	37
Caldwell	34½	31½	Clayton	39	36
Salina	36	33	Dellvale	39	36
Solomon	36	33	Kensington	38½	35½
Abilene	36	33	Lebanon	38	35
Pearl	36	33	Montrose	38	35
Woodbine	35½	32½	Belleville	37½	34½
Shady Brook	35½	32½	Munden	37½	34½
Liberal	38	35	Narka	37½	34½
Dodge City	37½	34½	Mahaska	37½	34½

"Representatives of the city of Lancaster, Tex., appeared before the Commission upon the hearings in this case and objected that this community was unduly prejudiced by being placed in group 2 instead of group 1.

"Lancaster is situated about ten miles south of Dallas, upon the main line of the Missouri, Kansas & Texas and upon a branch line of the Houston & Texas Central, and it was said that mills located at that city were unable to grind grain in competition with Fort Worth, Dallas, and other mills in group 1. This was not seriously disputed by the defendants, who do not object to transferring this town into group 1, and our order will so direct.

"ORDER.

"Upon the foregoing report—

"*It is ordered*, That the defendants, Atchison, Topeka & Santa Fe Railway Company and Gulf, Colorado & Santa Fe Railway Company, be, and they are hereby, notified and required to cease and desist, on or before the 1st day of September, 1907, from charging, demanding, collecting or receiving for the transportation of wheat and corn in car-loads over their respective lines of railway, to Galveston, Tex., for export, from certain shipping-points in Kansas the rates now exacted by said defendants for such transportation. Said shipping-points and said rates are as shown in the following table, namely:

From—	*In cents per 100 pounds.*		*From—*	*In cents per 100 pounds.*	
	Wheat.	*Corn.*		*Wheat.*	*Corn.*
Ellinor	26¾	23¼	Larned	30¼	27¼
Elmdale	27¾	24¾	Great Bend	30¼	27¼
Florence	28¾	25¼	Ellinwood	30¼	27¼
Sedgwick	28¾	25¼	Sterling	29¾	26¾
Wichita	28½	25¼	Hutchinson	29¾	26¾
Arkansas City	28½	25½	Newton	28¾	25¼
Moline	27¼	25¼	Coolidge	31¼	28¼
Grand Summit	28½	25¼	Kinsley	30¾	27¾
Winfield	28½	25¼	St. John	30¼	27¼
Webber	32¼	29¼	Pratt	30¼	27¼
Concordia	30¼	27¼	Kingman	29¾	26¾
Navarre	28¼	25¼	Englewood	31¼	28¼
Hope	28¼	25¼	Ashland	31¼	28¼
Strong City	26¾	23¾	Coldwater	31¼	28¼
Lorraine	29¾	26¾	Springvale	30¼	27¼
McPherson	29½	26½	Rago	29¾	26¾
Canton	28¾	25¾	Mulvane	28¼	25¼
Scott City	31¼	28¼	Harper	29¾	26¾
Alexander	30¾	27¼	Anthony	29¾	26¾
Rush Center	30¼	27¼	Medicine Lodge	30¼	27¼
Lyons	29¾	26¾	Wellington	28½	25¼

"It is further ordered, That said defendants be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter during a period of not less than two years and apply to the transportation of wheat and corn

in car-loads over their respective lines of railway, to Galveston, Tex., for export, from said shipping-points rates which shall not exceed those named in the following table, namely:

From—	*In cents per 100 pounds.* Wheat.	Corn.	*From*—	*In cents per 100 pounds.* Wheat.	Corn.
Ellinor	26	23	Larned	26½	23½
Elmdale	25½	22½	Great Bend	26	23
Florence	25½	22½	Ellinwood	26	23
Sedgwick	25	22	Sterling	26	23
Wichita	25	22	Hutchinson	25½	22½
Arkansas City	24½	21½	Newton	26½	23½
Moline	25	22	Coolidge	28	25
Grand Summit	25	22	Kinsley	26½	23½
Winfield	24½	21½	St. John	26	23
Webber	27½	24½	Pratt	26	23
Concordia	27	24	Kingman	25½	22½
Navarre	26½	23½	Englewood	26½	23½
Hope	26	23	Ashland	26	23
Strong City	26	23	Coldwater	26	23
Lorraine	26	23	Springvale	26	23
McPherson	26	23	Rago	25	22
Canton	25½	22½	Mulvane	25	22
Scott City	27½	24½	Harper	25	22
Alexander	26½	23½	Anthony	25	22
Rush Center	26½	23½	Medicine Lodge	25½	22½
Lyons	26	23	Wellington	24½	21½

"*It is further ordered*, That said defendants be, and they are hereby, notified and required to cease and desist, on or before said 1st day of September, from charging, demanding, collecting or receiving for the transportation of wheat and corn in car-loads over their respective lines of railway, from said shipping-points to the destination-points in Texas in groups numbered 1, 2, 3 and 4, as shown in the schedule of rates of said defendants now on file with the Interstate Commerce Commission and designated Southwestern Tariff Committee Tariff No. 32-E, I. C. C. No. 474, the rates named in said schedule and now exacted by said defendants for such transportation.

"*It is further ordered*, That said defendants be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter during a period of not less than two years and apply to the transportation of wheat and corn in car-loads over their respective lines of railway to the destination-points in said group No. 3 and said group No. 4 in Texas from said shipping-points, rates which shall not exceed the rates named in the following table, to wit:

From—	*In cents per 100 pounds.* Wheat.	Corn.	*From*—	*In cents per 100 pounds.* Wheat.	Corn.
Ellinor	36	33	Larned	36½	33½
Elmdale	35½	32½	Great Bend	36	33
Florence	35½	32½	Ellinwood	36	33
Sedgwick	35	32	Sterling	36	33
Wichita	35	32	Hutchinson	35½	32½
Arkansas City	34½	31½	Newton	36½	33½
Moline	35	32	Coolidge	38	35
Grand Summit	35	32	Kinsley	36½	33½
Winfield	34½	31½	St. John	36	33
Webber	37½	34½	Pratt	36	33
Concordia	37	34	Kingman	35½	32½
Navarre	36½	33½	Englewood	36½	33½
Hope	36	33	Ashland	36	33
Strong City	36	33	Coldwater	36	33
Lorraine	36	33	Springvale	36	33
McPherson	36	33	Rago	35	32
Canton	35½	32½	Mulvane	35	32
Scott City	37½	34½	Harper	35	32
Alexander	36½	33½	Anthony	35	32
Rush Center	36½	33½	Medicine Lodge	35½	32½
Lyons	36	33	Wellington	34½	31½

"*It is further ordered*, That said defendants be, and they are hereby, notified and required to establish and put in force, on or before said 1st

day of September, and maintain in force thereafter during a period of not less than two years and apply to the transportation of wheat and corn in car-loads over their respective lines of railway from said shipping-points to the destination-points in said group No. 2 rates which, in each instance, shall not exceed 2½ cents per 100 pounds less than the rates said defendants are above required to establish and put in force from said shipping-points to the destination-points in said group No. 3 and said group No. 4.

"*It is further ordered*, That said defendants be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter during a period of not less than two years and apply to the transportation of wheat and corn in car-loads over their respective lines of railway from said shipping-points to the destination-points in said group No. 1 rates which, in each instance, shall not exceed 5 cents per 100 pounds less than the rates said defendants are above required to establish and put in force from said shipping-points to the destination-points in said group No. 3 and said group No. 4.

"*It is further ordered*, That said defendants be, and they are hereby, notified and required to cease and desist, on or before said 1st day of September, from naming and including the city of Lancaster, in the state of Texas, as one of the destination-points in said group No. 2 in any of the schedules of rates and charges published and filed by said defendants and by them made applicable to the transportation of wheat and corn in car-loads from said shipping-points to said Lancaster.

"*It is further ordered*, That said defendants be, and they are hereby, notified and required to name and include, on or before said 1st day of September and during a period of not less than two years thereafter, the said city of Lancaster as one of the destination-points in said group No. 1 in each and every of the schedules of rates and charges published and filed by said defendants and by them made applicable to the transportation of wheat and corn in car-loads from said shipping-points to said Lancaster.

"*It is further ordered*, That the defendants, Chicago, Rock Island & Pacific Railway Company; Chicago, Rock Island & Gulf Railway Company; Houston & Texas Central Railroad Company; Galveston, Harrisburg & San Antonio Railway Company; Galveston, Houston & Henderson Railroad Company; International & Great Northern Railroad Company, and Gulf, Colorado & Santa Fe Railway Company, be, and they are hereby, notified and required to cease and desist, on or before the 1st day of September, 1907, from charging, demanding, collecting, or receiving for the transportation of wheat and corn in car-loads over their respective lines of railway to Galveston, Tex., for export, from certain shipping-points in Kansas the rates now exacted by said defendants for such transportation. Said shipping-points and said rates are as shown in the following table, namely:

From—	*In cents per 100 pounds.* Wheat.	Corn.	*From*—	*In cents per 100 pounds.* Wheat.	Corn.
Dwight	26¾	23¾	Greensburg	30¾	27¾
Latimer	27¾	24¼	Wellsford	30½	27½
Herington	28¼	25¼	Pratt	30¼	27¼
Antelope	28¾	25¼	Langdon	30¼	27¼
Peabody	28¾	25¼	McPherson	29½	26½
Elbing	28¾	25¼	Canton	28¾	25¾
Furley	28¾	25¼	Ramona	28¼	25¼
Wichita	28½	25¼	Kanorado	33¼	30¼
Caldwell	28½	25¼	Clayton	32¾	29¾
Salina	31¼	28¼	Dellvale	32¼	29¼
Solomon	30¾	27¾	Kensington	32	29
Abilene	30¼	27¼	Lebanon	31¾	28¾
Pearl	29¼	26¼	Montrose	31¼	28¼
Woodbine	28¾	25¾	Belleville	30¾	27¾
Shady Brook	28¼	25¼	Munden	30½	27½
Liberal	31¼	28¼	Narka	30¼	27¼
Dodge City	31¼	28¼	Mahaska	30	27

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter during a period of not less than two years and apply to the transportation of wheat and corn in car-loads over their respective lines of railway to Galveston, Tex., for export, from said shipping-points rates which shall not exceed the rates shown in the following table, namely:

From—	*In cents per 100 pounds.* Wheat.	Corn.	*From*—	*In cents per 100 pounds.* Wheat.	Corn.
Dwight	26	23	Greensburg	27	24
Latimer	25½	22½	Wellsford	27	24
Herington	25½	22½	Pratt	27	24
Antelope	25½	22½	Langdon	26½	23½
Peabody	25	22	McPherson	26	23
Elbing	25	22	Canton	26	23
Furley	25	22	Ramona	25½	22½
Wichita	25	22	Kanorado	30	27
Caldwell	24½	21½	Clayton	29	26
Salina	26	23	Dellvale	29	26
Solomon	26	23	Kensington	28½	25½
Abilene	26	23	Lebanon	28	25
Pearl	26	23	Montrose	28	25
Woodbine	25½	22½	Belleville	27½	24½
Shady Brook	25½	22½	Munden	27½	24½
Liberal	28	25	Narka	27½	24½
Dodge City	27½	24½	Mahaska	27½	24½

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to cease and desist, on or before said 1st day of September, from charging, demanding, collecting, or receiving for the transportation of wheat and corn in car-loads over their respective lines of railway, from said shipping-points to the destination-points in Texas in groups numbered 1, 2, 3 and 4, as shown in the schedule of rates of the defendants last above named, now on file with the Interstate Commerce Commission and designated Southwestern Tariff Committee Tariff No. 32-E, I. C. C. No. 474, the rates named in said schedule and now exacted, by the defendants last above named, for such transportation.

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter during a period of not less than two years and apply to the transportation of wheat and corn in car-loads over their respective lines of railway to the destination-points in Texas in said group No. 3 and said group No. 4 from said shipping-points rates which shall not exceed the rates named in the following table, namely:

From—	*In cents per 100 pounds.* Wheat.	Corn.	*From*—	*In cents per 100 pounds.* Wheat.	Corn.
Dwight	36	33	Greensburg	37	34
Latimer	35½	32½	Wellsford	37	34
Herington	35½	32½	Pratt	37	34
Antelope	35½	32½	Langdon	36½	33½
Peabody	35	32	McPherson	36	33
Elbing	35	32	Canton	36	33
Furley	35	32	Ramona	35½	32½
Wichita	35	32	Kanorado	40	37
Caldwell	34½	31½	Clayton	39	36
Salina	36	33	Dellvale	39	36
Solomon	36	33	Kensington	38½	35½
Abilene	36	33	Lebanon	38	35
Pearl	36	33	Montrose	38	35
Woodbine	35½	32½	Belleville	37½	34½
Shady Brook	35½	32½	Munden	37½	34½
Liberal	38	35	Narka	37½	34½
Dodge City	37½	34½	Mahaska	37½	34½

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter

during a period of not less than two years, and apply to the transportation of wheat and corn in car-loads over their respective lines of railway from said shipping-points to the destination-points in said group No. 2 rates which, in each instance, shall not exceed 2½ cents per 100 pounds less than the rates the defendants last above named are above required to establish and put in force from said shipping-points to the destination-points in said group No. 3 and said group No. 4.

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to establish and put in force, on or before said 1st day of September, and maintain in force thereafter during a period of not less than two years, and apply to the transportation of wheat and corn in car-loads over their respective lines of railway from said shipping-points to the destination-points in said group No. 1 rates which, in each instance, shall not exceed 5 cents per 100 pounds less than the rates the defendants last above named are above required to establish and put in force from said shipping-points to the destination-points in said group No. 3 and said group No. 4.

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to cease and desist, on or before said 1st day of September, from naming and including the city of Lancaster, in the state of Texas, as one of the destination-points in said group No. 2 in any of the schedules of rates and charges published and filed by the defendants last above named and by them made applicable to the transportation of wheat and corn in car-loads from said shipping-points to said Lancaster.

"*It is further ordered,* That the defendants last above named be, and they are hereby, notified and required to name and include, on or before said 1st day of September, and during a period of not less than two years thereafter, said city of Lancaster as one of the destination-points in said group No. 1 in each and every of the schedules of rates and charges published and filed by the defendants last above named and by them made applicable to the transportation of wheat and corn in car-loads from said shipping-points to said Lancaster.

"*And it is further ordered,* That all the defendants above named be, and they are hereby, authorized to make effective upon three days' notice to the public and the Interstate Commerce Commission, given in the manner required by law, each and every of the rates which said defendants are by this order required to establish and put in force on or before said 1st day of September. The tariff in which such rates are named should contain the notation that it is issued under the authority hereby granted."

No. 597.—Filed February 8, 1907.

TELEPHONE CROSSING.

Mo. Pac. Rly. Co. *vs.* Valeda Telephone Co.

The Missouri Pacific Railway Company filed a petition alleging that the Valeda Telephone Company maintains a wire crossing over its right of way and tracks one mile west of Valeda, Kan., and that such crossing is not constructed according to the standard required by the rules promulgated by the Board. A copy of such petition, together with the rules of the Board, were forwarded to the respondent, with the request that the Board be advised whether or not such wire crossing would be brought to the standard required by said rules without the necessity of further or formal action in the premises.

On February 20 respondent answered to said petition, advising the Board that its rules had been complied with.

No. 598.—Filed February 8, 1907.

DISCRIMINATION IN FURNISHING CARS.

J. F. Watson *vs.* Mo. Pac. Rly. Co.

J. F. Watson, of Vermilion, Kan., complains that the Missouri Pacific Railway Company discriminates against him and in favor of his business competitors in the matter of furnishing cars for shipment of grain. A copy of such complaint was forwarded to the legal department of the respondent company, with the request that it cause investigation to be made of the merits of said complaint, and if it was ascertained that discrimination was being indulged in, that the practice be discontinued.

On March 5 the complainant wrote the Board as follows:

"I hereby notify you that I have been supplied with all the cars I need, and request the Commission to dismiss my case against the Missouri Pacific Railway Company."

No. 599.—Filed February 6, 1907.

FREIGHT SERVICE.

W. H. H. Smith *vs.* C. R. I. & P. Rly. Co.

W. H. H. Smith, of Alta Vista, Kan., complains that the Chicago, Rock Island & Pacific Railway Company does not afford him sufficient freight service for the proper conduct of his business. A copy of such complaint was forwarded to the legal department of the respondent company and it answered:

"Owing to the very heavy business during the last few weeks we were unable to take care of our local business in the manner desired. Arrangements have now been made by which Mr. Smith will have no cause to complain in the future."

No. 600.—Filed February 10, 1907.

SWITCH TO ELEVATOR.

Farmers Elevator Co. *vs.* A. T. & S. F. Rly. Co.

The Farmers Elevator Company, of Sawyer, Kan., asks an order of the Board requiring the Atchison, Topeka & Santa Fe Railway Company to construct a switch to its elevator. A copy of the petition was forwarded to the legal department of the respondent company with the request that it answer thereto, and in compliance with such request the following motion was filed:

"Comes now the Atchison, Topeka & Santa Fe Railway Company and moves the Board of Railroad Commissioners to dismiss the petition of the Farmers Elevator Company for a switch to their grain elevator in the city of Sawyer, in Pratt county, Kansas, for the reason that said Board has no power or authority to make any order in the premises."

Said motion to dismiss was overruled, but the complainant was advised that, on account of the fact that the Board had a case pending in the supreme court involving the jurisdiction of the Board to make any order requiring a railroad company to construct a switch or side-track to an elevator, the Board did not feel warranted in making any order on his complaint, and thus make it necessary to prosecute an additional appeal case touching the same subject-matter.

No. 601.—Filed February 6, 1907.

ADDITIONAL PASSENGER SERVICE.

W. W. Walkley *vs.* C. R. I. & P. Rly. Co.

W. W. Walkley, of Dresden, Kan., filed a petition asking the Board to require the Chicago, Rock Island & Pacific Railway Company to stop its passenger-trains No. 27, west-bound, and No. 10, east-bound, at that station. The receipt of complaint was acknowledged by the Board, with the statement that passenger-train No. 10 was a fast through train and that the Board did not feel warranted in ordering the stopping of such trains at small stations. The respondent was asked to answer as to the stopping of train No. 27, and after some correspondence in the premises, a communication from the legal department advised the Board that instructions had been given, effective at once, to afford the complainant the desired relief.

No. 602.—Filed February 6, 1907.

DISCRIMINATION IN FURNISHING CARS.

C. E. Sturdevant *vs.* A. T. & S. F. Rly. Co.

C. E. Sturdevant and others, members of the committee appointed by mass-meeting of the business men and citizens of Lewis, Kan., filed a petition alleging that the Atchison, Topeka & Santa Fe Railway Company discriminated against said city of Lewis, and in favor of Kinsley and Garfield, in the matter of distribution of cars for grain shipments; that such discrimination on the part of the respondent was effecting a serious detriment to the business interests of Lewis, Kan., in that the farmers were compelled to market their grain at other points. To this complaint the respondent answered as follows:

"Referring further to my letter of February 28, complaint made to the Board of Railroad Commissioners, in regard to the above subject:

"I am attaching statement which I had prepared, showing actual comparison of cars furnished Lewis, Kinsley and Garfield. You will note Lewis unloaded 11 box-cars in the same period Garfield unloaded 8 and Kinsley 82. There were furnished at Lewis in all 37 box-cars, at Kinsley 83, and at Garfield 30. Working on this basis the distribution seems to have been very fair. You will note also from the cars furnished the different shippers that they were distributed very fairly in this manner. Of course, Kinsley, being a much larger point, they received a great many more cars, and had loading for a great many more cars.

"COMPARISON OF CARS FURNISHED GARFIELD, KINSLEY AND LEWIS.

"*Cars furnished, including such of those applied which were unloaded at the*

Station.	*Cars unloaded.* Box.	Stk.	Ref.	Coal.	*Station.* Box.	Stk.	Ref.	Total.
Lewis	11	1	0	1	31	6	0	37
Kinsley	82	8	0	0	78	0	8	86
Garfield	8	3	0	4	22	2	6	30

By whom.	*Cars loaded out.* No.	*Commodity.*
McCune, E. S.	3	Hay.
McCormick, J. D.	3	Hay.
Brower, D. M.	1	Cattle.
Smith Bros.	7	Wheat.
Kans. Grn. Co.	8	Wheat.
Kans. Grn. Co.	1	Corn.
F. C. G. Co.	2	Corn.
F. C. G. Co.	6	Wheat.
Israel, W. H.	3	Wheat.
Malin, J. N.	1	Wheat.
Foltner, C. P.	1	Zulu.
Smith Bros.	1	Corn.
Total	37	
Moses Bros.	11	Wheat.
Rock Grn. Co.	16	Wheat.
Tubbs, M. C.	4	Corn.
Tubbs, M. C.	24	Wheat.
Kinsley Grn. Co.	16	Wheat.
Kans. Grn. Co.	11	Wheat.
Akers, F. M.	1	Zulu.
Longman, H. A.	1	Zulu.
Fravel & Lewis	1	Seeds.
Unknown	1	Wheat.
Total	86	
Rock Grn. Co.	7	Wheat.
Kans. Grn. Co.	7	Wheat.
Moses Bros.	4	Wheat.
Garfield Co-op.	9	Wheat.
Beckwith	1	Wheat.
Godfrey & Shuss.	2	Cattle.
Total	30"	

A copy of such answer was forwarded to the complainant with the statement that from the allegations made it seemed that Lewis had been very well treated in the matter of car distribution, and that unless a reply was filed denying the alleged distribution of cars, the Board would close the case. On July 1, nothing further having been heard from the complainant, the case was closed.

No. 603.—Filed February 14, 1907.

BUSINESS HOURS AT DEPOT.

L. H. Erskine *vs.* Union Pacific Rld. Co.

L. H. Erskine, of Weskan, Kan., complains that the Union Pacific Railroad Company keeps its station at Weskan closed until two P. M.; that all of the freight-trains from the east arrive late in the evening, and that the patrons of such company, by reason of the business hours thus adopted, are required to wait until the afternoon of the next day to receive any consignment arriving for them. A copy of the complaint was forwarded to the respondent company, and upon receipt of answer and the joining of issues the Board set the case for hearing on April 11, 1907, at ten o'clock A. M., at Weskan, Kan. Before the arrival of date of hearing a letter from the respondent company advised the Board that its management had concluded to supply an assistant agent, and would immediately arrange for the opening of the station from seven A. M. until six P. M.

Upon forwarding this information to complainant the case was closed.

No. 604.—Filed February 14, 1907.

TRAIN SERVICE.

Thos. J. Wise *et al. vs.* C. R. I. & P. Rly. Co.

Thos. J. Wise and others, citizens of Lincolnville, Kan., and vicinity, ask that the Chicago, Rock Island & Pacific Railway Company be required to stop its passenger-trains Nos. 11 and 12 at that station for the receipt and discharge of passengers. Said complaint was taken up with the legal department of the respondent company, and it answered as follows:

"Further replying to the complaint of Thomas J. Wise *et al.* respecting train service at Lincolnville:

"Passenger earnings at the station of Lincolnville are very unsatisfactory. During the last year this company averaged about $166 per month at this station, from which you will see that it is a very unremunerative station. This company does not think that the business at this station warrants the stopping of additional trains. Train No. 12 has an exceedingly fast schedule, and is usually late from the south on account of the large number of stops. We could not agree to put additional stops on this train. If it would be satisfactory to the people of Lincolnville to take the stop off No. 13 and put it on No. 11 instead, we would be willing to make that arrangement, and under the circumstances it seems that this ought to be satisfactory."

A copy of such answer was forwarded to the complainant, with the statement that in the opinion of the Board the relief suggested by the respondent should be satisfactory.

No. 605.—Filed February 22, 1907.

DEPOT.

Montgomery & Co. *vs.* Mo. Pac. Rly. Co.

Montgomery & Co., of Barrett, Kan., asks that the Board require the Missouri Pacific Railway Company to reopen its depot at Barrett, Kan., and maintain an agent thereat.

To this complaint the respondent company answered as follows:

"Comes now the above-named respondent and, for answer to the complaint filed against it by Montgomery & Co. and seven others, on February 18, 1907, denies each and every allegation in said complaint, and especially denies that there exists or has ever existed any contract of any kind or character making it incumbent upon the respondent company to construct, maintain or keep open a depot or station at Barrett, Vermilion township, Marshall county, Kansas. The respondent further states that, notwithstanding the absence of such contract, the company has heretofore maintained, at said station of Barrett, a good and sufficient station building and, when the business at said point became insufficient to justify the necessary expense in the maintenance of an agent at said point, the respondent company, in the exercise of necessary economy in the operation of its road, was required, by good business judgment, to dispense with the services of such agent, and that the business at such point is now conducted by and through the conductors of the various freight- and passenger-trains passing through such point—the conductors of passenger-trains acting as agents in the sale of tickets and collection of fares, and the conductors of freight-trains receiving orders from patrons at said point for cars to be set in, such orders being immediately transmitted to the proper officers of the company.

"Wherefore, the respondent company asks that the complaint filed herein be dismissed."

Upon the joining of issues and after due hearing in the premises the Board made the following findings and order:

"On March 22, 1907, Montgomery & Co. filed a complaint asking an order of the Board requiring the Missouri Pacific Railway Company to maintain an agent at its station at Barrett, Kan. Upon filing of answer of the respondent company to said complaint, and upon due notice to all interested parties, the Board met at Barrett, Kan., and entered upon a hearing of the above-entitled action, complainants appearing in person and the respondent company by representatives of its legal and traffic departments; and upon the introduction of evidence and arguments of counsel the Board took the matter of its decision under advisement.

"Now, to wit, on this 28th day of May, 1907, the Board, being in session at its office in the state-house, finds:

"That the amount of passenger and freight business afforded the respondent company at the said station of Barrett is sufficient to warrant said company in maintaining an agent at such station.

"It is therefore ordered by the Board that on or before July 28, 1907, the respondent, the Missouri Pacific Railway Company, establish and maintain an agent at the station of Barrett, Kan."

On June 17 the following was received from B. P. Waggener, general attorney for the respondent company:

"I am advised by Mr. A. W. Sullivan, general manager of this company, that the station of Barrett will be installed with an agency on or before July 28."

No. 606.—Filed February 22, 1907.

DEPOT, AGENT AND OPERATOR.

W. N. Goodwin *vs.* Mo. Pac. Rly. Co.

W. N. Goodwin, trustee of Lewisburg township, Montgomery county, Kansas, filed a complaint, asking the Board to order the Missouri Pacific Railway Company to construct a depot and maintain an agent and telegraph operator at the station of Costello, Kan. To this complaint the respondent company answered as follows:

"Having been absent so much, and so much preoccupied, as you know, for the last two months, I have lost track of the present status of the above-entitled complaint. Won't you kindly write me full information about the same, and state whether or not further action has been done, or these parties have been, or are, pressing the matter. If no answer has been filed by any one else, I will file one. I have been resting easy in this, and other cases, largely because both the attorney and a member of the present Board said that no action would be taken in cases generally until after the legislature had adjourned.

"I do not desire to anticipate the decision of the Board in such cases, but I have reason to believe that they will agree with us when they have learned all the facts, on the proposition that there is not enough revenue from the business at that station to justify either the location of a depot, agent or operator at Costello.

"Our records show the total business done at that station, July, 1906, to January, 1907, as $968.27, or $138 per month. Therefore, if a passenger-depot was furnished the passenger business would not amount to more than $2 per month, according to the best information.

"There is also free telephone service to Elk City and La Fontaine, so passengers can ascertain from either station the time when trains may be expected when late. Costello is only five miles from Elk City and three miles from La Fontaine. The application, I can therefore state with certainty, is not justified.

"I may add that in 1903 the total freight was only about $1200 and the total passenger only about $21. In 1904 the total freight dropped to about $900 and the total passenger to about $15, and in 1906, the best of all the years, which cannot be hoped to be approximated long in the future, the total freight only about $1200, and the total passenger only about $20. The inbound freight amounts to little more than $1 per day, while the passenger business, from three years' operation, amounts to but a little over $50, or about $19 per year, or less than 53 cents per day. The business from freights everywhere is in car-loads and has amounted to, in three years, only $2566.94, and has been handled in an entirely satisfactory way by the conductors of our local freight-trains. The gross receipts at this station are but $3.21 per day on an average for the three years above referred to. This statement will show you how absurd and unjust this demand is.

"Upon reflection, I have determined to let this letter and statement stand as our answer, in case the case is still pending, and case pressed by complainants."

A copy of such answer was forwarded to the complainant, with the statement that any order granting the relief prayed for by complainant must be made only upon the showing of a sufficient amount of business to warrant the Board in making such an order, as, if such a showing is not made, the state is simply involved in useless and expensive litigation; that the amount of business alleged by the respondent company to have been offered at Costello, Kan., is insufficient to warrant an order in the

premises. The complainant was requested to file a reply to the answer if he felt that he could controvert the statement of facts set up in the answer herein filed.

July 1, no reply having been received, the case was closed.

No. 607.—Filed February 22, 1907.

DISCRIMINATION IN FURNISHING CARS.

Kansas Brick Makers Association *vs.* Mo. Pac. Rly. Co., M. K. & T. Rly. Co., A. T. & S. F. Rly. Co., and St. L. & S. F. Rld. Co.

The Kansas Brick Makers Association complains that the Missouri Pacific, the Missouri, Kansas & Texas, the Atchison, Topeka & Santa Fe and St. Louis & San Francisco railway companies discriminate against the brick industry and in favor of the shippers of other commodities in the matter of furnishing cars.

A copy of such complaint was forwarded to the legal departments of the respondent companies, and upon receipt of answers thereto the Board set March 28, 1907, three o'clock P. M., at Cherryvale, Kan., as a time and place for investigation of the car service complained of, and advised the parties hereto of the action taken.

On March 26, upon application of James F. Getty, attorney for the complainants, the hearing in the above-entitled action was indefinitely postponed, and on January 1, 1908, nothing further having been heard from complainants, the case was closed.

No. 608.—Filed March 3, 1907.

DISCRIMINATION IN FURNISHING CARS.

J. R. Williamson & Co. *vs.* A. T. & S. F. Rly. Co.

J. R. Williamson & Co., of Harper, Kan., complains that the Atchison, Topeka & Santa Fe Railway Company discriminates against it and in favor of its business competitors at Harper, Kan., in the matter of furnishing cars for grain shipments.

To this complaint the respondent answered as follows:

"I am returning papers sent me with your letter of March 5, which had reference to the above subject. I find that the charge of discrimination is not correct. During the month of February the 'mill' which these people speak of ordered 84 cars and were furnished 21, while Williamson & Co., ordered 11 and were furnished 4—a very fair distribution. In March the 'mill' ordered 36, got 20; Williamson & Co. ordered 14 and got 8. So far in April we have given Williamson & Co. 4 cars of 8 ordered. We will do more for them just as soon as we can get the equipment. We must, of course, distribute cars as fairly as possible. The 'mill,' having much more business to handle, ordered more cars and were therefore entitled to more."

A copy of such answer was forwarded to complainant, with the statement that if the distribution of cars made by the respondent was as alleged in said answer, it seemed to the Board that the complainant had been given very fair consideration in the matter.

No. 609.—Filed March 3, 1907.

DEPOT.

A. B. Hayes *vs.* A. T. & S. F. Rly. Co.

A. B. Hayes, trustee of Alamota township, Lane county, Kansas, filed a petition asking the Board to require the Atchison, Topeka & Santa Fe Railway Company to construct a depot at the station of Alamota, Kan. To this petition the respondent answered as follows:

"I am returning herewith enclosures of your letter of March 5 relative to petition of A. B. Hayes to the Board of Railroad Commissioners for the construction of a depot at Alamota, Kan.

"I have looked into this matter thoroughly and find that the business of this station is very light, and consists almost wholly of wheat shipments, to handle which business it is not necessary to have depot facilities. The L. C. L. business is very light; the passenger business does not exceed $60 or $70 per month. It would cost us something over $2200 to put in a depot, and an agent would cost us $400 or $500 per year. Until the business increases to such an extent as to warrant it I do not think we should be required to pay out this money. The superintendent has arranged to place a box-car body at this point, so that passengers may have shelter while waiting for trains."

A copy of such answer was forwarded to the complainant, with the statement that unless there is a showing of a sufficient amount of business to warrant the action of the Board, the granting of the relief desired by complainant would simply involve the state in useless and expensive litigation. The complainant was requested to file a reply to such answer, if he felt that he could controvert the showing of amount of business alleged by respondent.

January 1, 1908, nothing further having been heard from complainant, the case was closed.

No. 610.—Filed March 3, 1907.

DEPOT.

Chas. McFadden, Trustee, *vs.* A. T. & S. F. Rly. Co.

Chas. McFadden, trustee of Liberty township, Barton county, Kansas, asks an order of the Board requiring the Atchison, Topeka & Santa Fe Railway Company to construct a depot at Dundee, Kan. To this complaint the respondent company answered as follows:

"Returning enclosures from the Board of Railroad Commissioners bearing your notation in regard to the above subject:

"Business from Dundee is not heavy, but as I advised you in my letter of March 21, with which I returned you the original papers, it was the intention to erect a depot at that point this year; however, due to the necessity of retrenchment, we have not been able to do this. Arrangements have been made to suitably locate a box-car body at that point, partitioned so that half of it may be available for freight and half for passengers. This will be suitably equipped and will be put in service just as soon as possible."

A copy of such answer was forwarded to the complainant, with the statement that in the opinion of the Board the relief afforded by the respondent should be satisfactory.

No. 611.—Filed March 3, 1907.

AGENT.

J. D. Feasel, Trustee, *vs.* Mo. Pac. Rly. Co.

D. L. Countryman filed a complaint, signed by J. D. Feasel, trustee, asking for the establishment of an agent at Modoc, Kan. To this complaint the respondent company answered as follows:

"The respondent above named, the Missouri Pacific Railway Company, for answer to the above-named complaints, denies each and every statement and allegation therein contained, except such as will be hereinafter admitted.

"*First.* The respondent says that it is a railway corporation, organized and existing under and by virtue of the laws of the state of Kansas, and is a common carrier of freight and passengers in said state of Kansas and beyond the borders thereof, and that it operates a line of railway into and through the county of Scott, state of Kansas, which is owned by the Kansas & Colorado Pacific Railway Company, a corporation, which said line extends through the state of Kansas and into the state of Colorado.

"*Second.* The respondent admits that it has a station upon its line of road in Scott county, Kansas, which is known and designated as Modoc, and admits that it does not maintain at said station of Modoc an agent in charge of the said station, but there is constructed and maintained at said station of Modoc, by this respondent company, a station building ample and adequate for the transaction of such business as may be necessary at said point—such station building being in charge of and under the control of one of the respondent's agents, the foreman of the section in which is included the station of Modoc.

"This respondent is informed that prior to the filing of the complaint against it in this matter that the said section foreman used and practically monopolized the entire station building for residence purposes, and that the chief and only complaint of the complainants herein was due to the fact that they were deprived of the use and benefits of such station building to protect them from the inclemency of the weather while they were awaiting trains at said station and transacting business with the respondent company. Since being apprised of that fact and the filing of the complaint in this action, the respondent company has, through its general manager, issued positive orders to such section foreman that a portion of said station building shall, at all reasonable, proper and necessary times, be thrown open and maintained for the use of the patrons of the respondent's road at said point of Modoc.

"*Third.* The respondent further says that it has failed to maintain a station agent at said station of Modoc for the reason that the business in freight and passenger traffic done at said station and possible to be done thereat has been and still continues to be wholly inadequate to defray the expenses of maintaining an agent at said point, and the maintenance of such station agent would be a large and substantial loss to this respondent, and if ordered would compel said respondent to undergo large and substantial loss, because of the inadequacy of the receipts therefrom to defray the expenses of such maintenance.

"*Fourth.* Said respondent further says that the place called Modoc is not a city, village or town, incorporated or otherwise, nor inhabited as such, but consists of the station building of this respondent company, one business firm (operating a general store and elevator), and not to exceed five families, and the surrounding country is an open farming country, with but few, if any, residences or business institutions, to constitute or give the town of Modoc any character, other than that of the ordinary uninhabited trading station, with a minimum of population. And said respondent says that at the time of the establishment of such station of Modoc, and the erection of the station building thereat, it was thought that a sufficient amount of railroad traffic and travel might exist or arise

to justify the existence and maintenance of a station agent at such station, but respondent says that the place has not grown into a village, as at one time was hoped and expected, and the community contributing to it does not furnish a sufficient amount of business to justify the maintenance of a station agent there; and said respondent says that, although the revenues derived from freight shipments and passenger travel to and from said station of Modoc have at all times been inadequate to defray the expenses of the maintenance of the facilities afforded, following the construction of said station building, it did nevertheless furnish the same for the time being, as an accommodation to its patrons at said station of Modoc and tributary thereto, but respondent says that at the time it discontinued its station at said point, and for many months prior thereto, the revenues from said station were wholly inadequate to defray such expense of maintenance, and that it was obliged, in justice to its stockholders, to discontinue the same.

"And respondent says that although it does not maintain an agent at said station of Modoc, it still maintains, at loss to itself, a station building and all facilities for the transaction of railroad business which points such as Modoc produce, and that it maintains at said station of Modoc a depot building, to be open at all times in future to the public, said tracks and stock-yards, and that said accommodations and facilities are open for the public use, by operating the same, for the accommodation of those desiring to use such facilities, through its station agents at the towns of Scott City and Leoti, located on either side of said station of Modoc. Said respondent says that the towns of Leoti and Scott City, above mentioned, are on the line of its said line of road, and it has established and maintained depots, station agents, and all other necessary and proper facilities for the accommodation of the public in the transaction of railroad business, and at each of said towns there are stores, a post-office, and shops, ample and sufficient for all the residents in the neighborhood of said station of Modoc tributary to its said line of road. That on the west side of said station of Modoc is the town of Leoti, 14.94 miles distant, and on the east side thereof is the town of Scott City, 9.58 miles distant, both of which towns are ample in size and facilities for the accommodation of the trading and traveling public and easy of access to all persons at and in the vicinity of said Modoc station.

"The respondent specially alleges that the signers of the complaint herein, other than the township officials and a few farmers residing in the immediate vicinity of Modoc, are not producing farmers or patrons of the line of this respondent, and the respondent specially denies that were an agent installed at said town of Modoc that there would be any increase in the revenue to the respondent company by reason thereof, for that there is nothing at said station of Modoc other than a general store and elevator to attract or hold the trading public, or increase the passenger or freight business of the respondent's road, and the establishment of an agent as said point would not have that effect. The facilities which are maintained at said point are fully adequate to handle all business which is offered, and cars are ordered, shipments arranged, and passenger business done by and through the conductors of defendant's trains, both freight and passenger, passing through said town of Modoc.

"Said respondent further says that, for the reasons hereinabove stated, an order of the Board of Railroad Commissioners compelling it to maintain a station agent at said station of Modoc would be unreasonable, inequitable and unjust to it, and should not be made. The making of such order would compel this respondent to maintain said agent at said station of Modoc at a cost therefor largely in excess of the revenues receivable thereat, and not in fulfilment of any public duty imposed on it by law as a common carrier of freight and passengers, and would compel said defendant to expend a substantial portion of its revenue to the maintenance of said station agent and station without any return therefrom, and would compel said respondent to devote its income and property to a claimed public use but in reality to a private use of a very limited number of persons, without compensation therefor, and would thereby deprive

said respondent and its owners and stockholders of property without due process of law and in violation of the fourteenth amendment to the constitution of the United States.

"Wherefore said respondent, having answered herein and given full and reasonable reasons for not maintaining an agent at the said station of Modoc, prays that said complainants take nothing by their said complaint against this respondent company, and that said complaint be dismissed."

The issues having been joined, and upon due hearing in the premises, the Board made the following findings and order:

"On March 3, 1907, J. D. Feasel, trustee of Isabel township, Scott county, Kansas, filed a written complaint asking an order of the Board requiring the Missouri Pacific Railway Company to maintain an agent at the station of Modoc, in said township. After the filing of answer of the respondent company to said complaint, and upon due notice to all interested parties, the Board met at Modoc, Kan., on April 11, 1907, and entered upon a hearing of the above-entitled action, complainants appearing in person and the respondent by representatives of its legal and traffic departments. After the introduction of evidence and argument of counsel, the Board took the matter of its decision under advisement, and now, to wit, on this 28th day of May, 1907, the Board, being in session at its office in the state-house, finds:

"That the amount of passenger and freight traffic afforded to the respondent company at and tributary to the station of Modoc is sufficient to warrant the respondent company in maintaining an agent at said station.

"It is therefore ordered by the Board that on or before July 28, 1907, the respondent, the Missouri Pacific Railway Company, establish and maintain an agent at said station of Modoc."

On June 29 the following was received from B. P. Waggener, general attorney of the respondent company:

"I beg to advise that I am authorized by the general manager of this company to say that the order of the Board of Railroad Commissioners relative to Modoc station will be complied with at the earliest possible moment."

No. 612.—Filed March 7, 1907.

DISCRIMINATION.

Harpster & Harpster *vs.* Mo. Pac. Rly. Co.

Harpster & Harpster complain that the Missouri Pacific Railway Company discriminates against the city of Willis, Kan., and in favor of Baker and Hiawatha, Kan., in the matter of furnishing cars for grain shipment.

To this complaint the respondent company answered as follows:

"Comes now the above-named defendant and, for its answer to the complaint of complainants, filed herein, says:

"*First.* That it denies each and every statement, averment and allegation therein contained.

"*Second.* For further answer the defendant alleges that during a period covered by and dated from February 25 to March 19, 1907, inclusive, upon which it has made special investigation for the purposes of this complaint and which includes the period complained of by complainants, it has ascertained and alleges the facts to be that during that time the city of Huron has received one empty car; the city of Everest has received five cars; the city of Baker has received two cars, and the city of Willis has received one car. That the apparent disproportion in the number of cars distributed to these four points is entirely due to the fact that

the cars received at Everest were cars which had been shipped into Everest loaded, and were immediately taken (without transfer to any other point) and loaded with grain at said city of Everest and shipped out on the line of the defendant company. That whatever advantage the city of Everest received or receives thereby is due to the commercial life and activity of such city of Everest, whereby material is shipped into Everest in car-load lots, thus providing empty cars immediately available for outgoing shipments. That the defendant company is doing everything within its power to supply its patrons upon its various lines of road with all facilities for shipment of products, but it is unable to control the disposition of its cars after they have left its line and gone into the hands of connecting carriers. That a large part of the equipment of the defendant company is constantly beyond its control and under the control of other railroad companies. That it is unreasonable and impossible for the defendant company, or any other company, to purchase and keep in requisition a sufficiently large equipment of freight- and grain-cars to immediately fill, upon demand, all calls upon it for empty cars. That the best the defendant can do and does do at all times and at all places complained of is to thoroughly and equitably distribute its equipment as soon as it regains possession of cars for that purpose.

"*Third.* The defendant company specifically and especially denies that there were empty box cars belonging to this company, and subject to be used in the transportation of commodities over its lines, standing on the side-tracks of this company at Hiawatha, Brown county, Kansas, on Sunday, March 3, 1907, as stated in the complaint filed herein. While it is possible that there may have been empty box cars standing in Hiawatha at the time mentioned, they each and all of them, excepting those in process of loading, were cars belonging to railroad companies other than the defendant company, and which it is the duty and necessity of the defendant company to return with all possible haste to the connecting companies, to the end that such cars shall not be withheld from service by the owning company, under penalty of retaliatory measures liable to be instituted at any time by connecting companies, if such connecting companies know or are led to believe that this defendant company is using the equipment of such connecting company in the operation of its own business.

"Wherefore, this defendant company, having made full answer herein, asks that this matter be closed and it be dismissed herefrom."

A copy of such answer was forwarded to the complainant with the statement:

"You will please note the specific denial of the company that they indulged in any discrimination, and the allegation that they are using every effort to accommodate the shipping public. If you feel that you can controvert the showing made by the railroad company and desire to file a specific reply to the allegations of the complaint, the Board will set a date for hearing, at which time you will be given an opportunity to prove the charges made by you."

January 1, 1908, nothing further having been heard from complainant, the case was closed.

No. 613.—Filed March 7, 1908.

DISCRIMINATION.

Beanway & Light *vs.* Mo. Pac. Rly. Co.

Beanway & Light complain that the Missouri Pacific Railway Company discriminates against them and in favor of their business competitors in the matter of furnishing cars for grain shipments at Yates Center, Kan.

The merits of this complaint were considered in connection with another case involving the matter of car distribution at Yates Center, and, upon the conclusion of such investigation, the complainant was advised that an adjustment had been arrived at whereby the discriminative conditions would be remedied.

No. 614.—Filed March 18, 1907.

DISCRIMINATION IN FURNISHING CARS.

Hudson Milling Company *vs.* Mo. Pac. Rly. Co.

The Hudson Milling Company, of Hudson, Kan., complains that the Missouri Pacific Railway Company discriminates against it and in favor of its business competitors in the matter of furnishing cars for grain shipments. A copy of such complaint was forwarded to the legal department of the respondent company, and it filed a motion asking that the complainant be required to make the complaint more definite and certain *in re* certain stated particulars.

Respondent's motion was sustained, and a copy thereof forwarded to complainant, with the request that he file an amended complaint herein.

January 1, 1908, nothing further having been heard from the complainant, the case was closed.

No. 615.—Filed March 18, 1908.

FLAG-STATION.

Wm. Day *vs.* M. K. & T. Rly. Co.

Wm. Day and others filed a petition asking that the Missouri, Kansas & Texas Railway Company be required to maintain a flag-station at Oakwood, Kan. To this complaint the respondent company answered as follows:

"Comes now the Missouri, Kansas & Texas Railway Company, and for its answer to the complaint of the petitioners filed herein, denies each and every allegation contained therein except as the facts may be herein specially alleged and pleaded.

"The above railroad company hereby specially pleads the following facts: Oakwood is now and has been for a long time past a flag stop for trains Nos. 23 and 24, 527 and 528. The business at this point is very light, and to make a flag stop at Oakwood would mean similar service for five or six other stations like Oakwood, which would make it impossible to preserve schedule time on trains so as to make the proper connections with connecting-line trains at Kansas City, Mo. Passenger-trains Nos. 23 and 24 give Oakwood through service to Kansas City and all points south on railroad, and through freight service to all such points in the two freight-trains, Nos. 527 and 528. The four trains herein alleged take care of all the business and more than could be furnished by Oakwood, both freight and passenger.

"Wherefore, said railroad company prays that the petition of complainants herein be dismissed."

Upon the joining of issues, and after due hearing in the premises, the Board made the following findings and order:

"On April 25, 1907, at ten o'clock A. M., pursuant to notice given interested parties thereto, the Board met at Oakwood, Kan., and entered upon a hearing of the above-entitled action. The complainants appeared

in person and the respondent by John Madden, its general attorney. After the introduction of evidence and argument of counsel the Board found that the amount of passenger traffic afforded the respondent company at the station of Oakwood was not sufficient to warrant the relief prayed for, and the case was dismissed."

Copies of the above findings and order were forwarded to parties to this action and the case closed.

No. 616.—Filed March 26, 1907.

AGENT.

M. C. Boyle *et al. vs.* Union Pacific Rld. Co.

M. C. Boyle and others ask the Board to require the Union Pacific Railroad Company to establish an agency at Newman, Kan. A copy of such complaint was forwarded to the respondent company, and it answered as follows:

"Referring to the complaint of M. C. Boyle about closing station at Newman, I am advised that arrangements have been made to appoint Mr. Boyle agent at that station."

A copy of such answer was forwarded to complainant and the case closed.

No. 617.—Filed March 27, 1907.

RATES ON MILL PRODUCTS TO PACIFIC COAST.

In the matter of the intervention of the Board of Railroad Commissioners in the case of the Howard Mills Company *vs.* Mo. Pac. Rly. Co. *et al.*, pending before the Interstate Commerce Commission.

The Howard Mills Company, of Wichita, Kan., and others, representing the milling and grain interests of the state, filed a motion asking that the Board of Railroad Commissioners intervene in the case of the Howard Mills Company *vs.* the Missouri Pacific Railway Company *et al.*, pending before the Interstate Commerce Commission, involving the adjustment of rates on mill products from stations in Kansas to stations in California. Upon full consideration of the merits thereof it was ordered by the Board that the motion be granted, and the attorney for the Board was instructed to take the legal steps in the premises necessary to the proper intervention of the Board in behalf of the state in the above-entitled action.

Acting under such instructions, S. S. Ashbaugh, attorney for the Board, filed the petition of the Board to intervene, and, permission being granted, the said attorney for the Board represented the state in such action, and after due hearing in the premises the Interstate Commerce Commission rendered the following report and order:

"REPORT AND ORDER OF THE COMMISSION.

"The rate on wheat from certain points in Kansas, of which the city of Wichita is one, to certain points in California, is 55 cents per 100 pounds, while the rate on flour between the same points is 65 cents per 100 pounds. The complainant is a corporation engaged in grinding flour at Wichita, which it ships to these California points, and it complains

that the defendants, by maintaining the above difference in rates between wheat and flour, discriminate against it in favor of the millers in California.

"The defendant railroads insist, both in their answers and upon trial, that the maintenance of this so-called differential is not unlawful, but they manifest no particular solicitude against its removal, provided this can be effected by increasing the rate on wheat instead of reducing that on flour. The California Millers' Association, whose membership is made up of millers doing business in the state of California, has intervened against the complainant and has sustained the burden of this defense. The real contest is between the miller of Kansas and the miller of California.

"California is a wheat-producing state. It has been in the past a large wheat-exporting state, but for reasons not disclosed in this proceeding its production has fallen in recent years. It has in the past exported not only wheat but flour, and its milling industry is an important one. This case shows that its capital invested in this industry is about $11,500,000, as compared with an investment in Kansas of some $14,000,000. While the milling industry in Kansas has rapidly grown, that of California has somewhat diminished during the last five years.

"The wheat of California is soft and the flour produced from it is improved by a mixture of hard wheat during the process of grinding. Such wheat can be and is obtained by the California miller from the state of Washington. It is also obtained in the state of Kansas, and a considerable portion of the shipments of wheat from there to California is for this purpose. There is also a demand in California for Kansas flour. It appears that flour ground entirely from the hard wheat of Kansas is drier and absorbs more moisture in the process of baking. More loaves of bread can be made from a barrel of Kansas wheat flour than from a barrel of California wheat flour; and for this reason, and possibly for others, flour from the Kansas-grown wheat sells at from 50 to 75 cents per barrel more than flour produced from California wheat. The testimony also indicated that Kansas flour could be blended with California flour, although it was said that the better method was to blend the grain during the process of grinding.

"All this creates in California a market for Kansas flour. This the Kansas miller desires to grind in Kansas and ship as flour to California, while the California miller desires to bring the wheat from Kansas and grind it in California.

"It must be evident that if every other condition were the same, the difference in freight of 10 cents per 100 pounds between wheat and flour would be an important advantage in favor of the California miller; for it would cost him 10 cents per 100 pounds less to transport his wheat to the final point of sale before grinding than it would cost the Kansas miller to transport his flour after grinding. This would amount to a difference of nearly 20 cents per barrel, which is a very large net profit in the grinding of flour. If every other condition were equal, this of itself would absolutely determine that Kansas flour sold in California must be ground in California and would therefore exclude the Kansas miller from all participation in that business.

"The intervener alleges, however, that while this differential may have that tendency, certain other practical conditions much more than overcome it, so that in fact the advantage, notwithstanding the difference in freight, is still largely with the Kansas miller. These disadvantages spring mainly from two causes:

"*First*, the cost of labor and the cost of all other materials and supplies is greater in California than in Kansas. It was estimated in testimony that the additional cost per barrel from this source alone was 11 cents against California. While this figure is probably excessive, we are satisfied that the cost of production to the California miller is materially greater in this particular.

"*Second*, even more to his disadvantage is the disposal of the by-product. It requires for a barrel of flour about 280 pounds of wheat. Assuming that there was no shrinkage in the process of manufacture, this would leave 84 pounds of offal, which is sold for feeding purposes in the form of bran or shorts. The price of this offal is nearly as high in Kansas as in California. The California miller has paid, therefore, the freight on 84 pounds which he must sell for substantially the same as his Kansas competitor who pays no freight. It was claimed by the intervener that this disability amounted to 21 cents per barrel. While this estimate may be somewhat extravagant, it is evident that here is a substantial advantage in favor of grinding wheat in Kansas.

"It seems plain to us that if the only question were whether a barrel of flour from Kansas wheat can be laid down in California cheaper when ground in Kansas than when ground in California, we should be compelled to find in favor of Kansas. That is to say, the disadvantages under which the California miller rests are greater than the advantage which he derives from this differential in the freight rate. The complainant earnestly insists, however, that these disabilities of the California miller in the way of increased labor cost and inability to dispose of offal upon favorable terms are peculiar to location; that the Kansas miller is entitled to enjoy the benefit of whatever advantage his location gives him; that these railroads have no right to destroy natural advantages; and several decisions and many declarations of this Commission are cited to that effect. It is necessary, therefore, to examine the case in that aspect.

"The position of the complainant seems to be that there is some inflexible rule which requires that the rate upon wheat and flour should be identical; but upon what basis does this claim rest? Can it be said that if this question were to be disposed of as one of novel impression upon general considerations a somewhat higher rate would not be permissible in case of flour than in case of wheat? Flour is a manufactured article, and the general rule is that the raw material takes a somewhat lower rate than the finished product. The vaue of flour is greater than that of wheat, and this would tend to justify a somewhat higher transportation charge. It is probable that, on the whole, wheat affords a more attractive kind of traffic to the carrier than does flour, and this, too, would sanction a lower rate.

"It is true that in most parts of the country the classification of the two articles is the same and the rates of transportation the same. The most important exceptions to this are in California itself, where the flour rate exceeds the wheat rate, except at those points where water competition controls both. The fact, however, that rates are generally the same is not conclusive against the proposition that they might properly somewhat differ. Actual traffic conditions in this country have generally resulted not from any theoretical considerations of right and wrong, but from an attempt on the part of each carrier to subserve its own interest. This was well put by the attorney of the Rock Island system upon the argument. His lines, he stated, believe that a small differential between wheat and flour is proper, but have invariably insisted, as a matter of policy, that the rates should be the same. The Rock Island operates largely in grain-producing sections. If it can induce the grinding of this grain in the section where it is grown, it obtains the haul of the fuel with which it is ground, and it builds up communities which contribute increased traffic, both freight and passenger. For these reasons, he said, it had been the policy of the Rock Island system to insist upon equal rates for wheat and flour and to hold out in the way of milling-in-transit privileges whatever inducement it could.

"It is evident that the policy of the Southern Pacific Company might well be exactly the contrary. That company is more largely interested in the local development of California; it desires that mills shall be established and maintained there for the same reason that the Rock Island desires their establishment in the wheat-fields. The same reasons, there-

fore, which would lead the Rock Island system to insist upon the same rate for wheat and flour would lead the Southern Pacific system to insist upon a differential in favor of flour. The views of this Commission as to the propriety of such differentials can be best stated by a brief reference to its decisions.

"The first case in which this question was ruled upon was Bates *v.* Pennsylvania Railroad Company, 3 I. C. C. 435. The complainant was a manufacturer of corn products at Indianapolis, where he had constructed and was operating an extensive plant. The rate upon corn and corn products had for many years been the same from his mill to eastern points of consumption, but the defendant company had reduced that rate 4½ cents upon corn without any corresponding reduction upon the product. The complainant contended that this change in the relation between the rate upon corn and that upon corn products would destroy the business which he had developed, and that it was an unjust discrimination against the product and against him in favor of raw material and the eastern manufacturer.

"The Commission sustained this contention largely upon the ground that the carrier, having put into effect a certain relation of rates, could not wantonly disturb it. In the course of the opinion it was said:

"'The point here is, whether where an existing classification and rate are not shown to operate injuriously to the carrier from a given point, or to give undue advantage to shippers, a change is justifiable that materially injures an important industry and a class of shippers at that point who have there built up the industry in reliance upon the continuation of a previous classification and rate first established and long maintained by the carriers themselves without complaint from any quarter. We think not.'

"The carrier was ordered to remove the differential.

"The next case was that of Kauffman Milling Company *v.* Missouri Pacific Railway Company *et al.*, 4 I. C. C. 417. That complaint put in issue the differential between wheat and flour from milling points in Kansas and Missouri to Texas. In this case it appeared that the differential in question or one larger had been in effect for some fifteen years. The Commission allowed the differential to stand largely upon the ground that it was a condition which had been long in existence and which ought not to be unnecessarily disturbed.

"This same differential was again attacked in the case Board of Railroad Commissioners *v.* Atchison, Topeka & Santa Fe Railway Company *et al.*, 8 I. C. C. 304. The Commission, however, declined to reconsider its holding in the Kauffman case, and said in treating that case as an authority:

"'When in a case like this the relation in freight rates determines where and how business shall be done, the decisions of this Commission fixing or approving a given relation should only be reversed for imperative reasons. Ten years ago this differential was approved. It may well be that since then money has been invested and industries built up upon the strength of that approval. In the absence of some showing that new conditions have intervened, or that the effects of the original holding have been other than were anticipated, we think that that case must control the disposition of this.'

"The Commission again declined to interfere with this differential in Mayor and Council of Wichita *v.* Missouri Pacific Railway Company *et al.*, 10 I. C. C. 35. It sustained a differential of 5 cents in favor of corn-meal from Missouri River points to the Pacific coast, in August, 1905, *Re* Corn and Corn Products, 11 I. C. C. 212, to Texas destinations at the same time, *Re* Corn and Corn Products, 11 I. C. C. 220.

"From a consideration of these cases it is apparent that the Commission has always been of the opinion that there is no inflexible requirement that rates upon grain and the products of the grain should be under all circumstances the same, but rather that carriers may, in just regard for their own interest or to meet special conditions, vary those rates within narrow limits. When once the relation has been established, when business has developed and money has been expended upon the strength of it, then the carrier can not, in the absence of some sufficient reason, change that relation; nor would this Commission direct a change.

"In the present case the carriers are anxious to continue this differential. The differential itself has been long in effect and industrial conditions have adapted themselves to it. It is plain that this Commission must hold, unless it is prepared to reverse its past policy, that not only may a differential between wheat and flour to California points be continued, but that it should be continued. The only question is upon the amount of that differential.

"So far as a differential of this kind depends upon the extent or value of the service, it is evident that the differential might properly increase as the service increases. So far as it should be limited by its effect upon the distribution of business, it is equally evident that the amount of the differential bears no relation to the amount of the rate. An advantage of 10 cents a barrel on flour is exactly the same at the end of a hundred miles as at the end of one thousand miles.

"This Commission in the past has never allowed a differential in excess of 5 cents and there are some expressions in its opinions which rather indicate that this ought to be the extreme limit. When the 5-cent differential on flour was first approved in the Kauffman case the rate was 46 cents. That rate has since fallen to 33 cents. The differential before us is 10 cents per 100 pounds, equivalent to 20 cents per barrel, which, as already remarked, is more than the ordinary net profit in the grinding of a barrel of flour. We feel that this is too large and that the difference in rate ought not to exceed 7 cents. Anything beyond that would, in our opinion, not be justified by transportation conditions, but would be an attempt to equalize commercial conditions, against the propriety of which this Commission has often ruled, and an order to that effect will be issued.

"Complaint was made as to the relation of rates from Kansas to Phœnix, Ariz. It appears that the wheat rate is $1, while the flour rate is $1.35. No reason appears for making a larger differential to that point than is made to more distant Pacific coast points, and our order will apply here as well as to California points.

"It was claimed by the intervener in argument that the milling-in-transit privilege enjoyed by the Kansas miller was an important advantage which the California miller did not possess and which should be equalized in determining the amount of this differential. Neither the tariffs nor the testimony make this matter very clear. It is admitted that the Kansas miller can take the wheat from the country, grind it at his mill, and ship the flour to certain California points for 65 cents per 100 pounds from the country station to final destination of the flour; that is, 65 cents covers the entire movement. If, now, the California miller, who is said to enjoy no milling-in-transit privilege, is obliged to ship the wheat to his mill at 55 cents per 100 pounds and then pay a local rate from the mill to the point of consumption, it is evident that in this is found, or may be found, an important advantage in favor of the Kansas miller.

"There is nothing in this record to indicate the extent to which the Kansas miller benefits, if at all, by this circumstance; nor ought we to attempt to equalize this advantage by giving to the California miller an additional advantage in the differential. If, in point of fact, this amounts to a discrimination against the California industry, the discrimination itself should be removed. This wheat and flour is transported by a joint line under a joint rate from Kansas to the final destination in California. Whatever privilege is permitted upon one part of that route should be apparently permitted upon all of it. However, upon this point we express no opinion, simply calling attention to the fact that in establishing the above differential no account has been taken of the fact that the Kansas miller enjoys a milling-in-transit privilege which is not accorded to his rival upon the Pacific coast.

"ORDER.

"Upon the foregoing report—

"*It is ordered,* That the defendants, Missouri Pacific Railway Company; Atchison, Topeka & Santa Fe Railway Company; Chicago, Rock

Island & Pacific Railway Company; Chicago, Burlington & Quincy Railway Company; Denver & Rio Grande Railroad Company; Southern Pacific Company, and Union Pacific Railroad Company, be, and they severally are hereby, notified and required to cease and desist, on or before the 20th day of August, 1907, from maintaining and enforcing for the transportation of flour in car-loads, from the shipping-point of Wichita, in the state of Kansas, and other shipping-points in said state to destination-points in the state of California known as Southern Pacific Coast Terminals, namely, San Francisco, Sacramento, Marysville, Stockton, Los Angeles, and San Diego, and to other destination-points in said California known as Southern Pacific Coast Terminals, rates which, in each instance, are 10 cents per 100 pounds greater than the rates contemporaneously exacted by said defendants, or any of them, for the transportation of wheat in car-loads from said shipping-points to said destination-points.

"*It is further ordered,* That said defendants be, and they severally are hereby, notified and required to establish and put in force on or before said 20th day of August and apply thereafter during a period of not less than two years to the transportation of flour, in car-loads, over their respective lines of railway, from said shipping-points in Kansas to said destination-points in California, rates which, in each instance, shall not be more than 7 cents per 100 pounds greater than the rates contemporaneously exacted by said defendants or any of them for the transportation of wheat, in car-loads, from said shipping-points to said destination-points.

"*It is further ordered,* That said defendants be, and they severally are hereby, notified and required to cease and desist on or before said 20th day of August from maintaining and enforcing for the transportation of flour, in car-loads, from said shipping-points in Kansas to Phœnix, in the territory of Arizona, rates which, in each instance, are 35 cents per 100 pounds greater than the rates contemporaneously exacted by said defendants, or any of them, for the transportation of wheat, in car-loads, from said shipping-points to said Phœnix.

"*It is further ordered,* That said defendants be, and they severally are hereby, notified and required to establish and put in force on or before said 20th day of August and apply thereafter during a period of not less than two years to the transportation of flour, in car-loads, over their respective lines of railway from said shipping-points in Kansas to said Phœnix, rates which, in each instance, shall not be more than 7 cents per 100 pounds greater than the rates contemporaneously exacted by said defendants, or any of them, for the transportation of wheat, in car-loads, from said shipping-points to said Phœnix.

"*And it is further ordered,* That said defendants be, and they severally are hereby, authorized to make effective upon three days' notice to the public and the Interstate Commerce Commission, given in the manner required by law, such rate or rates as it may be necessary for said defendants, or any of them, to establish for the purpose of complying with this order. The schedule containing such rates must bear the notation that said rates are issued under the authority hereby granted."

No. 618.—Filed March 29, 1907.

CAR RENTAL.

C. W. Foltz *vs.* Mo. Pac. Rly. Co.

C. W. Foltz, of Peru, Kan., complains that the Missouri Pacific Railway Company wrongfully subjects him to a rental charge of $5 per car for equipment furnished to him for the shipment of ice.

To this complaint the respondent company answered as follows:

"Answering the complaint filed herein, comes now the Missouri Pacific Railway Company, by its attorney, J. H. Richards, and says that it admits that complainant is a resident of the city of Peru, Kan., and has been for a long time, and is now, engaged in selling at retail fresh and salt meats, and the shipment of ice in car-load lots, at the said city of Peru.

"Respondent also admits that it is a railroad corporation, operating a line of railroads in the state of Kansas, and into the city of Peru, and is a common carrier of freight. It also admits that at some time during the year of 1905, complainant shipped from Coffeyville, Kan., over the road of this respondent, one or more car-loads of ice, the amount of which this respondent is not able to say because not advised by the complainant; and that complainant probably paid the amount of $18.09 on each car-load as shipped, and, in addition thereto, the further sum of $5 upon each car-load shipped, by way of car rentals, making a charge of rentals for the two cars of $10. Also, that during the year 1906 he made further shipments of ice from the same place to the same place over the respondent's line of road, the number of car-loads this respondent cannot at this time state, upon which he paid the sum of $5 for each car.

"But this respondent emphatically denies that the said car rentals paid out by complainant to the railroad company are either excessive, extortionate, unreasonable or unjust, or in violation of law, except as to the rental charged on A. R. T. car No. 4016, which was charged in error and should be refunded to the complainant, and which this defendant stands ready and willing to do, since the same has been excepted as one of what is known as the "4000 series" and under.

"For further answer this respondent says that the additional charge of $5 per car assessed for the use of A. R. T. and U. R. T. cars was legitimately and necessarily added to the rate because of the fact that these cars are of superior construction and comparatively new, and the loading of ice brought about more or less serious damage to the cars.

"This respondent further says that it tendered the use of box and other refrigerator cars, to the further transportation of said ice, without any additional charge whatever, but that the same were not accepted or acceptable to respondent.

"Wherefore, by reason of his demanding and using such equipment and such a class of equipment, he was assessed the sum of $5 except A. R. T. cars in 400 series and under, and U. R. T. cars other than those numbered from 300 to 800, inclusive.

"This respondent further says for a further defense that the same were assessed in accordance with circular 726-B and C, issued by this respondent; that due and lawful tariff sheets were published and due and lawful notice given of the tariff upon the cars in question, as early as July 5, 1906, as per circulars Nos. 726-B and 726-C.

"For further answer this respondent says that said shipments were interstate, and not intrastate shipments, and therefore subject to, and governed by, the provisions of the interstate commerce act regulating interstate commerce.

"Wherefore, respondent asks that said complaint be dismissed."

A copy of such answer was forwarded to the complainant, with the statement that the practice of assessing a rental charge for the use of the higher class refrigerator equipment prevails throughout the state, and the Board at this time did not feel warranted in interfering with such practice; that if the allegation of respondent that the consignments upon which rental was charged were interstate were correct, the Board would be without jurisdiction to be of service to him in any event.

No. 620.—Filed April 1, 1907.

DEPOT.

Mayor and Council of McFarland, Kan., *vs.* C. R. I. & P. Rly. Co.

The mayor and council of McFarland, Kan., filed a petition alleging that the Chicago, Rock Island & Pacific Railway Company maintains its depot at McFarland on the south side of its tracks and yards, such location requiring the traveling public to cross in the neighborhood of thirteen tracks to obtain access to such depot, and asking an order of the Board requiring such company to construct a depot on that side of its tracks adjacent to the city, in order that the traveling public may be safely and conveniently accommodated.

To this complaint the respondent company answered as follows:

"Comes now the defendant in the above-entitled action, and for answer to the petition filed by complainants says: That the station of McFarland, Kan., is a village having about 500 inhabitants; that it is a point on the line of railway of defendant where three of its main lines unite, and where many trains, both passenger and freight, are made up. That the buildings and tracks of the defendant at said station were constructed and located with the view of handling the business of this company and accommodating the public in the most prompt and efficient manner; that the two main lines of the defendant at said station are, and must of necessity be, upon the southerly side of its yard, which fact necessitates the construction and maintenance of its eating-house and station at the southerly side of said tracks.

"The defendant further shows to the Board that it maintains an extensive switching yard at McFarland for the purposes above set forth, and maintains twelve tracks north of its main line at said station, as shown by the accompanying blue-print, which is attached hereto and made a part of this answer. That should the prayer of this petition be granted by the Board of Railroad Commissioners of this state, it would make it impossible for the patrons of this road using the station or dining-hall of the defendant at said station to reach said station or dining-hall except by passing across said switch yard; that an arrangement of the tracks and buildings at said station in accordance with the prayer of this petition would entail an expenditure of many thousands of dollars and would render a large part of the property now maintained by this defendant at said station useless and of no avail to said defendant in the operation of its road.

"The defendant further says and shows to the Board that the citizens of McFarland are closer to said station as it is at present located than nine-tenths of the citizens in towns situated on the lines of railway of the defendant within the state of Kansas; that said citizens of McFarland have access to said station, and that a large percentage of the population of said town of McFarland are connected with the operation of the road of the defendant, and as to such persons the change of location of the station as prayed for would be of no avail.

"Further answering, the defendant alleges and shows to the Board that it could not accede to the prayer of plaintiff's petition and at the same time carry on its business with convenience to itself or the public.

"Further answering, the defendant alleges and shows to the Board that the granting of the prayer of the petition of said complainants would not only render the operation of the railway of the defendant at said station impossible, or at least impractical, but would endanger the lives of the great number of passengers and employees of the defendant who daily use the station and dining-hall of the defendant at said station, as the change prayed for would require and necessitate all of said persons passing from the main line upon the southerly side of the yard of said defendant at said station across the twelve or thirteen switching tracks, or passing tracks, to said station and dining-hall.

"Further answering, defendant says that if the Board of Railroad Commissioners of the state of Kansas order a second and additional station to be constructed on the north side of the yard at said station of McFarland, there is not and would not be sufficient business to pay for the operation of the same or sufficient business to justify said Board in making such order.

"Wherefore, defendant prays that said petition be dismissed."

Upon the joining of issues, and after a full hearing in the premises, the Board made the following findings and order:

"Upon the complaint and application by the mayor and council of the city of McFarland, made to the Board in writing, requesting depot and other facilities, and due notice to the defendant being given according to the statutes, and after issue joined, the Board and plaintiff and defendant and their attorneys met in the city of McFarland, May 22, 1907, and took testimony on behalf of the plaintiff, and adjourned by consent for further hearing to the city of Topeka, to July 30, 1907, at the hour of ten A. M. The parties by their counsel regularly appearing, the matter was continued and taken up by consent at one o'clock, July 30, 1907, and the defendant offered its evidence, and after the argument of counsel, the Board took the same under advisement until August 2, at the hour of one; and the parties appearing as before, and the Board being fully advised in the premises, finds all of the material allegations in the complaint and application of the plaintiff to be true, and that the defendant's road for freight and passengers is situated on the south side of the city of McFarland, as one structure, and that the defendant in constructing its road, depot and freight-house, at that time acting with due regard to the necessities and convenience of the public, located and maintained its passenger-depot north of its track yards and tracks and next to the city of McFarland, which city then and now lies wholly north of such railroad-tracks, and has near 450 inhabitants; but that the defendant thereafter, without due regard to the necessities and conveniences of the public, removed said passenger-depot to the south side of its yard and of its tracks, and maintains thirteen tracks and switches between its depot and the city of McFarland, and provides no way for the traveling public to get to and from the city of McFarland and the depot across its tracks on the south side and right of way, which are dangerous to life and limb, and which the defendant by signs warns all and forbids them trespassing over such tracks and right of way from the city to the depot; and that such tracks are constantly blocked with moving and standing trains and cars, and that life is not safe in such yards between the depot and the city of McFarland, and the only way of reaching the depot is by traveling east and crossing the tracks far to the east and traveling southward for more than one-half mile; and that the depot facility now as maintained in connection with its tracks, and such wagon-road to and from the passenger- and freight-depot, is dangerous to life and limb, and is inadequate to the public wants and necessities, and has been for a long time past; and that such depot so situated and maintained is done in disregard to the public interests, necessities and convenience; and that the defendant has sufficient ground on its right of way on the north side and at the south end of Main street, in the city of McFarland, on which to build and maintain a depot adequate to the needs, necessities and convenience of the public, and that said former depot should be removed to the north side of its right of way and at the south end of Main street.

"It is therefore ordered by the Board of Railroad Commissioners of the state of Kansas that the defendant, the Chicago, Rock Island & Pacific Railway Company, within sixty days from service of this notice, remove their present depot and reestablish and maintain the same on its right of way on the north side of its tracks and at the south end of Main street in the city of McFarland, and thereafter maintain the same thereat."

No. 621.—Filed April 1, 1907.

DISCRIMINATION IN FURNISHING CARS.

Patterson & Peters *vs.* Mo. Pac. Rly. Co.

Patterson & Peters, by S. C. Holmes, their attorney, complain that the Missouri Pacific Railway Company discriminates against the town of Rose and in favor of Yates Center and Buffalo in the matter of furnishing cars for hay shipments.

To this complaint the respondent company answered as follows:

"Answering above-entitled complaint, respondent, the Missouri Pacific Railway Company, says:

"*First.* That it denies the charge made in said complaint that there has been discrimination against the complainants in favor of other shippers.

"*Second.* It admits that it has not been able to supply all the wants of the complainants and other shippers, and alleges the fact to be that it has not been able, owing to conditions and environments over which it has no control, and which it cannot help, to supply the demands of all its patrons for cars. The reasons for this in general are well known to your honorable Board, and to the public and to shippers generally.

"Respondent further states that it had, during the past year and more, given timely large orders for cars and equipment enough to supply the demands of the public, but that the factories have been unable to, on account of the unprecedented pressure made upon them by the railroads of the country, meet its orders, except to a very limited extent.

"Respondent further says that no reason whatever exists why it should not treat all of its patrons, including the complainants, with uniform and equal consideration and serve them, as far as it is possible, taking into consideration the character of the shipments, fairly and equitably.

"Respondent hereto attaches a statement of cars furnished respectively to the stations of Buffalo, Rose and Yates Center, from the month of October, 1906, to April 9, 1907, inclusive, which shows that during this period Buffalo could load a total of 1226 cars, of which 10 per cent. were furnished; that Rose could load 1280 cars, of which 7.7 per cent. were furnished; that Yates Center could load 2980 cars, of which 11 per cent. were furnished; that there is hay still on hand for movement as follows: Rose, 600 cars; Yates Center, 911 cars; and Buffalo, 40 cars.

"Buffalo received more cars than Rose by reason of the fact that more loaded cars were received at that point, and shippers started to load such cars before the unloading was completed, which consequently made it impossible to more evenly distribute the empties. Indeed, it is for that reason wholly impossible ever to have a perfectly equitable supply and distribution of cars to any one point as against any other point, but as shown by this table your respondent strives the best it can to do so.

"Wherefore respondent asks an order for dismissal."

A copy of such answer was forwarded to the complainants, and upon receipt of request from attorney for complainants further action in this case was indefinitely postponed.

No. 622.—Filed April 1, 1907.

In the matter of issuance of 500-mile and 2000-mile mileage books.

On April 1, 1907, the Board made the following order:

"WHEREAS, Under the provisions of senate bill No. 2, entitled "An act concerning railroads, and amending and repealing section 20 of chapter 286 of the Session Laws of 1901," railroad companies operating in Kansas are required to sell 500-mile tickets, good in hands of original purchaser,

limited to one year from date of sale, at the rate of two cents per mile, and 2000-mile interchangeable tickets, good for original purchaser upon any railroad in the state, at the rate of $50, with $9 refund. And

"WHEREAS, Said law provides "it shall be the duty of the Board of Railroad Commissioners to carry the provisions of this section into effect, and to that end it is hereby empowered to make necessary rules and regulations and enforce the same":

"*It is hereby ordered by the Board,* That the railroad companies operating in Kansas be, and they are hereby, given until May 1, 1907, to prepare such 500-mile tickets and 2000-mile interchangeable tickets, and place the same on sale at stations in Kansas, as provided by said law."

No. 623.—Filed April 5, 1907.

DEPOT AND AGENT.

A. S. Sissen *vs.* C. R. I. & P. Rly. Co.

A. S. Sissen, township trustee, and others, filed a petition asking the Board to require the Chicago, Rock Island & Pacific Railway Company to construct a depot and maintain an agent at Kingsdown, Kan. To this complaint the respondent company answered as follows:

"Referring to the complaint of the residents in and about the station of Kingsdown, requesting the Board to require this company to build and maintain a station at that point: You will recollect that this matter has been before the Board on numerous occasions, and that similar requests have been denied, on the showing that sufficient business was not offered at that point to make the maintenance of an agent and station a lucrative proposition. After some consideration, however, this company has decided to make the experiment, and will, as soon as it can conveniently do so, install an agent and station at Kingsdown for the purpose of determining whether sufficient business will be offered to this company at that point to justify it in maintaining an agent and station."

A copy of such answer was forwarded to the complainant for his information, and the case closed.

No. 624.—Filed April 5, 1907.

DISCRIMINATION IN FURNISHING CARS.

Hannington Grain Company *vs.* K. C. M. & O. Rly. Co.

The Hannington Grain Company complains that the Kansas City, Mexico & Orient Railway Company discriminates against it and in favor of its business competitors in the matter of furnishing cars for grain shipments at Wichita.

To this complaint the respondent company answered as follows:

"Answering the alleged complaint stated in letter of Hannington Grain Company, of 20th April, 1907, the Kansas City, Mexico & Orient Railway Company states and shows that the complaint in reference to alleged discrimination in the delivery of cars under orders therefor at the station of Schulte is incorrect. The facts regarding the furnishing of cars at that station, covering all of this year (1907) to filing of complaint, are shown in the statement hereto attached, which is a true and correct copy of the original as made by the agent of the railway company at Schulte, which agent now has, and heretofore has had, charge of cars at that station. We also attach a true copy of the agent's letter regarding the transaction of the business, so far as pertaining to this complaint, at the

station of Schulte, and we here make the statements contained in the statement and letter a part of this railway company's answer.

"The fact is that the elevator made an order for ten cars November 12, 1906, and has been furnished three cars on the dates shown in that statement, and P. Schulte, complainant's agent, ordered ten cars on January 9, 1907, and has been furnished three cars on the dates shown in the statement.

"The railway company says that it has not been able to obtain cars sufficient to supply all demands at its stations along its line, and a large number of orders are necessarily unfilled. The railway company's line is short; it has full equipment for the number of miles it operates, but this equipment is frequently taken and used upon other roads, and cars are not furnished in lieu of those in use by them, the reason given by other roads being that the demand for cars cannot be met under existing conditions, and that they cannot furnish the Orient company with cars with which to fill its orders, or with which to replace its own cars which are in use upon other lines. It therefore is a fact, as shown by the statement hereto attached, that this company cannot deliver cars as fast as ordered.

"The railway company begs to further say, in answer to the complaint herein, that the Hannington Grain Company operates through an agent at Schulte by loading grain from wagons. That the process of loading such grain from wagons is slower than loading from the elevator. That the elevator company has expended large sums in providing an elevator for the purpose of storing grain, so as to be able to load cars when grain cannot be conveniently hauled in wagons, and the railway company, in view of the shortage of cars and the conditions as to loading, claims to have the right to make deliveries to the elevator in preference to standing cars on the track when they cannot be speedily loaded from wagons.

"It is also a fact that under existing conditions of great demand for cars, an order for ten cars at a station such as Schulte, to be loaded from wagons, in January, when the weather was uncertain, was unreasonable.

"In this case, as shown by the statement, the railway company has shown no preference whatever against Mr. Schulte, the agent of the Hannington Grain Company, and the railway company alleges that the complaint is without foundation in fact, and prays your honorable Board to rule accordingly."

A copy of such answer was forwarded to the complainant with statement:

"Kindly note the denial of the respondent company that any discrimination has been indulged in; also, the statement of cars furnished at that station and distribution thereof. If the distribution has been made as alleged it would seem to the Board that you have been fairly well treated. If you care to file a reply denying the allegations contained in this answer, the Board will set the case for hearing."

January 1, 1908, nothing further having been heard from complainant, the case was closed.

No. 625.—Filed April 14, 1907.

DISCRIMINATION IN FURNISHING CARS.

H. V. Kackley *vs.* Mo. Pac. Rly. Co.

H. V. Kackley, of Norwich, Kan., filed a petition alleging that the Missouri Pacific Railway Company discriminates against him and in favor of his business competitors in the matter of furnishing cars for

shipment of grain. To this complaint the respondent company answered as follows:

"Comes now the Missouri Pacific Railway Company, by its attorney, J. H. Richards, and for answer to the complaint herein filed says:

"1. That it denies each and every charge made in said complaint except what is hereinafter admitted.

"2. For further answer to said complaint, respondent says that it admits that it has not been able to supply this complainant, as it has not been able to supply other complainants and the public generally, with the amount of cars requested, but it specially denies that it has intentionally or in fact discriminated against said complainant.

"Respondent further admits, and alleges the fact to be, that it is not possible to furnish cars to all of its patrons alike and with uniform equality of service, owing to the difference of circumstances and conditions existing at different points, and owing to the environments of its different patrons. But it alleges that, as far as it is practicable, and within the limits of human agencies to do so, it makes a fair and equitable distribution of its cars among the different classes of its patrons, who do not all stand upon a like footing.

"Respondent admits that in some instances it has furnished as many as seven cars to some of its patrons at Stafford and elsewhere, but alleges that, in such cases, it has been to meet exceptional conditions or emergencies, and has not been the result of any intentional discrimination.

"Further answering, respondent says that the town of Norwich has been furnished 6.7 per cent. of all the cars it ordered; that Kingman and Stafford have been furnished at no time more than 15 per cent and 11 per cent. of the cars requested by these localities respectively; that while on its face it may appear to be discriminative against Norwich, it is not so, by reason of the fact that Norwich station cannot load to exceed one car per day, and the orders placed for 563 cars from September to April were therefore out of their capacity to load; that the following is the basis of loading capacity:

	Could load.	*Received.*	*Per cent.*
September—			
Norwich	2	2	100
Kingman	250	108	43
Stafford	250	85	34
October—			
Norwich	27	5	18
Kingman	360	108	26
Stafford	350	52	17
November—			
Norwich	24	3	13
Kingman	360	53	13
Stafford	336	27	8
December—			
Norwich	24	8	33
Kingman	360	44	12
Stafford	360	25	6
January—			
Norwich	26	4	16
Kingman	360	43	11
Stafford	360	25	6
February—			
Norwich	24	4	16
Kingman	360	42	10
Stafford	360	24	5
March—			
Norwich	24	6	23
Kingman	360	46	12
Stafford	360	24	6

April—	*Could load.*	*Received.*	*Per cent.*
Norwich	24	6	23
Kingman	360	57	16
Stafford	360	59	15

From which the following condensed total is deduced:

Norwich	175	38	21.7
Kingman	2,770	501	18.1
Stafford	2,746	323	11.7

"So that, based upon the loading capacity, which is the only just and true basis under the existing circumstances and conditions controlling car service, Norwich has been furnished 21.7 per cent. to 18.1 per cent. for Kingman and 11.7 per cent. for Stafford.

"Respondent further answering says, that the Norwich Milling Company, which has an equal loading capacity as the town of Norwich, has only received during the time complained of 18 cars, while the complainant has received 20 cars, and that to have furnished him any greater number would have been discriminative against the Norwich Milling Company.

"Your respondent wishes to assure this honorable Board that it at all times stands ready to correct any errors or any real discrimination which may be made, whenever its attention is called to the same."

A copy of such answer was forwarded to the complainant, with the statement that the Board is well aware of the fact that there is a general condition of car shortage prevailing throughout the state and that the roads are unable to promptly fill all orders for cars, but that if the allegations of respondent as to the distribution of the equipment it has been able to furnish is correct, the Board would not feel warranted in taking any further action in the premises.

January 1, 1908, no denial of the allegations of respondent having been received, the case was closed.

No. 626.—Filed April 20, 1907.

DISCRIMINATION IN FURNISHING CARS.

J. W. Berryman *vs.* A. T. & S. F. Rly. Co.

J. W. Berryman, of Ashland, Kan., complains that the Atchison, Topeka & Santa Fe Railway Company discriminates against the Englewood branch of its line and in favor of the main line in the matter of furnishing cars for the shipment of stock. A copy of such complaint was forwarded to the legal department of the respondent company with the request that it answer thereto. Before the arrival of answer-date, and on April 27, the following was received from complainant:

"I beg to advise you that the car situation seems to have been relieved and the Santa Fe is now furnishing plenty of cars for the movement of live stock. I will be glad to have you so advise Judge Smith and withdraw the complaint."

The request of complainant was granted and the case closed.

No. 627.—Filed April 20, 1907.

FACILITIES FOR HANDLING OIL.

Superior Refining Co. *vs.* A. T. & S. F. Rly. Co.

The Superior Refining Company, of Longton, Kan., filed a complaint asking the Board to require the Atchison, Topeka & Santa Fe Railway Company to furnish facilities for the proper handling of oil at Medicine Lodge and Ashland, Kan. On April 30 the following communication was addressed to complainant:

"The Board is in receipt of your favor of the 24th instant, *in re* establishment of tank facilities at Medicine Lodge and Ashland, Kan. A member of the Board took your letter up personally with Mr. J. E. Hurley, general manager of the Atchison, Topeka & Santa Fe Railway Company, and Mr. Hurley agreed to allow you to make the pipe connection as stated in your letter, providing the pipes are put below the surface of the ground; or, should you prefer in lieu thereof, if it is found that there is room on the right of way, will grant you a location on the right of way and give you a connection with their house track, you to pay for the construction of the spur connection. For further particulars in this regard, I would suggest that you write direct to Mr. J. E. Hurley, at Topeka, Kan."

No. 628.—Filed April 30, 1907.

SWITCH.

Marion Smith *vs.* A. T. & S. F. Rly. Co.

Marion Smith, township trustee, and others, ask the Board to issue an order requiring the Atchison, Topeka & Santa Fe Railway Company to construct a switch at Melvern, Kan., for the accommodation of the shipping public.

To this complaint the respondent company answered as follows:

"Herewith papers accompanying your letter of 11th instant relative to a switch between Melvern and Olivet, for which petition has been sent the Railroad Commission. The statement made by Mr. M. Smith, township trustee, that the track for which they ask could be constructed at a cost not to exceed $30, is made without knowledge of the conditions. A 300-foot track is the very least that will be of any value, as about 100 feet of this would be from the head block to the clearance back of the frog, which, you understand, would not be available for setting cars, leaving 200 feet for the latter purpose. This 300-foot track would cost us, according to detailed estimate which I have, $1066. I must still insist that there is not sufficient business in that vicinity to warrant the railway company going to the expense of constructing this track and to the additional expense of handling any business which might be delivered thereon. We are not at all discommoded in handling our work-trains by not having siding at the point mentioned, and so far as the railway company is concerned and the service of its patrons there is no necessity for such a track. Of course, to some few it might be an advantage, but there would not be enough of them to compensate the railway company for the additional expense and inconvenience to its operations. Many would undoubtedly still use the station of Olivet, and as the distance between Melvern and Ridgeton is eight mles there is hardly more than a four-mile drive to either of the latter stations, and the extra time consumed would be more than offset by the delay to shipments by reason of their having to be moved west to Ridgeton and then wait east-bound train for movement into Kansas City. I trust that the Commission will recognize the inconvenience that would be caused by this arrangement and deny the

petition. Superintendent McLellan is at Melvern to-day to meet Commissioner Ryan."

Issues being joined, and after a full hearing in the premises, the Board made the following findings and order:

"On June 28, 1907, the Board met at Melvern, Kan., and entered upon a hearing of the above-entitled action, the complainants appearing in person and the respondent by a representative of its traffic department, and after the introduction of evidence the Board finds:

"*First.* That the switch desired by the complainant is on the double-track line of the Atchison, Topeka & Santa Fe railway, known as the Emporia cut-off, between the stations of Melvern and Olivet.

"*Second.* That the location of the desired switch is approximately four miles west of Melvern and three miles east of Olivet.

"*Third.* That on all car-load shipments moving to the east, on account of the double-tracking of the respondent's line, it is necessary that the shipments be moved to Olivet to the west and from there transferred to the track accommodating east-bound shipments. The Board is of the opinion that on account of the close proximity of the proposed location of the switch to Melvern and Olivet, and the fact that car-load shipments moving to the east would have to be taken to the station west and there transferred, it would be impracticable to require the respondent company to grant the relief prayed for by the complainants.

"It is therefore ordered by the Board that the above-entitled action be and it is hereby dismissed."

No. 630.—Filed April 30, 1907.

RATES ON BRICK.

Kansas City Gray Brick Co. *vs.* Union Pacific Rld. Co.

The Kansas City Gray Brick Company asks a readjustment of rates on brick from Bonner Springs, Kan., to Leavenworth, Kan. A copy of the complaint was forwarded to the legal department of the respondent company, with the request that it answer thereto under the rules of the Board.

Prior to the answer-day, and on May 6, complainant dismissed its complaint herein without prejudice to future action.

No. 631.—Filed April 30, 1907.

CAR SHORTAGE.

R. R. Hager *vs.* A. T. & S. F. Rly. Co.

R. R. Hager, of Belpre, Kan., complains of car shortage at Belpre and surrounding stations on the line of the Atchison, Topeka & Santa Fe railway. To this complaint the respondent company answered as follows:

"This will acknowledge receipt of your favor of April 25 in regard to the above subject. This is a subject which is being given constant attention, and a matter which I have been watching very closely. We have been gaining very materially on the movement of the grain and hope to get this cleaned up before very long. According to our reports there is considerable grain at Belpre; also at St. John and other points between Hutchinson and Kinsley. This territory is being given special attention,

and every car possible is being furnished them. I will continue to watch the matter and trust that the situation can be relieved at an early date."

A copy of such answer was forwarded to the complainant, with the statement that in the opinion of the Board the company is doing everything possible to afford relief in the premises.

No. 632.—Filed April 30, 1907.

AGENT.

C. H. Burke *vs.* Union Pacific Rld. Co.

C. H. Burke, trustee, and others, ask an order of the Board requiring the Union Pacific Railroad Company to maintain an agent at its station of Shipton, Kan. To this complaint the respondent company answered as follows:

"The Union Pacific Railroad Company, for answer to the foregoing complaint, states that the business at Shipton does not justify the employment of an agent at that point. From January 1 to May 8, 1907, eleven car-loads of freight were forwarded from that station, and 934 pounds of less-than-car-load freight; that during the same period of time two car-loads of freight have been received at said station, and the revenue from less-than-car-load shipments received has amounted to about six dollars per month.

"Wherefore, respondent prays that the said complaint may be dismissed."

The issues being joined, and after due hearing in the premises, the Board made the following order:

"On Wednesday, July 17, 1907, the Board met at Shipton, Kan., and entered upon a hearing in the above-entitled action, the complainant appearing in person and the respondent by its attorney, H. E. Scandrett, and thereupon, after the introduction of evidence and argument of counsel, the Board took the matter of its decision under advisement.

"Now, on this 23d day of July, 1907, the Board, being fully advised in the premises, finds that the amount of passenger and freight traffic afforded the respondent company at Shipton, Kan., is insufficient to warrant an order requiring said respondent to maintain an agency at that station.

"The Board further finds that in the delivery of freight at the station of Shipton shipments are very frequently unloaded at some distance from the freight-house maintained by the company at that station, and that the depot building is not maintained in proper sanitary condition for the accommodation of the public.

"It is therefore ordered by the Board that the respondent, the Union Pacific Railroad Company, require the unloading of freight on the depot platform; that perishable freight be put in the depot building, and that said building be kept in proper sanitary condition for the accommodation of the traveling public at that station."

No. 633.—Filed May 12, 1907.

PASSENGER SERVICE.

Geo. W. Imel *vs.* Mo. Pac. Rly. Co.

Geo. W. Imel and others filed a petition asking that the Board order the Missouri Pacific Railway Company to furnish additional passenger-train service at the station of Faulkner, Kan. To this complaint the respondent company answered as follows:

"Comes now the Missouri Pacific Railway Company, the respondent herein, and for answer to the complainant's petition says:

"1. That it denies each and every allegation in said petition contained except as is hereinafter admitted.

"2. For further answer to the complaint, respondent states for the information of your honorable Board that the ticket sales on passenger business at the station of Faulkner did not justify the continuance of the train service in question, for the reason that the revenue at that station did not pay the expenses of operating the same and were growing less and less all the time, so that it became a necessity to discontinue the service.

"Respondent attaches hereto an exhibit marked 'A,' and makes the same a part of this answer, which conclusively confirms the foregoing statement. From this statement it will be observed that in 1906 the sales averaged about $16 per month, while for January, February, March, and April, in the year 1907, the sales averaged only $6 per month, and that the average monthly earnings for the four months prior to November, 1906, were $79, and the average monthly earnings for the five months subsequent to November, 1906, were $77, with no prospect whatever of an increase in business, while on the other hand there was every reason to believe it would steadily decrease.

"3. Further answering, respondent points out to your Honors that the chief complaint against the discontinuance of this train service is—

" 'For the reason that when we go west in the morning we cannot possibly return home until the next morning. Further than this, any one coming from the west—Coffeyville, or any other place—would have to lay over at the nearest stopping-place west of here.'

"All of which shows that it is not the want of service to the people of Faulkner at that station, but merely a matter of inconvenience in traveling to other points, and in not being able to return the same day. There is no claim that the revenue is compensatory, while in fact it is unremunerative and confiscatory.

"4. For a further defense this respondent says that the order for the discontinuance of this service at the station of Faulkner was identical with the issuance of time-table No. 7, effective November 11, 1906, in order that respondent might make time with this train from Coffeyville to Nevada, this being a through connection between Wichita and St. Louis, and therefore an interstate train.

"Respondent further states that, it becoming necessary to insure the making of time on the through Wichita-St. Louis connection, it was necessary to reduce the time, which had theretofore been four hours and twenty minutes, to three hours and fifty minutes, a reduction of thirty minutes in a distance of 106 miles! that this change and this reduction of time were necessary and indispensable to the adequate service of the public in general, and were promotive of the interest of the greatest good to the greatest number, and it was not possible to thus shorten the time without taking off some of the less important stops, among the least of which was the station of Faulkner.

"Wherefore, respondent asks for an order from your honorable Board dismissing said complaint."

On June 19, 1907, upon due notice to all interested parties, the Board

met at Faulkner, Kan., and entered upon a hearing of the issues joined, the complainant appearing in person and the respondent by representatives of its legal and operating departments. After the introduction of evidence by parties hereto the Board found that it would not be warranted in granting the relief prayed for by complainant, and the case was closed.

No. 634.—Filed May 26, 1907.

PASSENGER SERVICE.

Chas. S. Huffman *vs.* St. L. & S. F. Rld. Co.

Charles S. Huffman, of Columbus, Kan., asks an order of the Board requiring the St. Louis & San Francisco Railroad Company to furnish additional passenger-train service at the station of Hallowell. To this complaint the respondent company answered as follows:

"The St. Louis & San Francisco Railroad Company comes and submits—

"First.

"That it ought not to be required to answer the pretended complaint now before the Board in the above matter, for the reason that the same is not a complaint filed under or in accordance with the rules of this Board.

"That it is not made by any person financially interested in the matter involved in the controversy, or interested in the matter of additional passenger-train service to be afforded by this respondent to the people of the town of Hallowell.

"That the said so-called complaint is not made or signed by any person so interested, nor by the attorney or agent of any person so interested, nor by the attorney of the Board or other officer.

"That the said so-called complaint does not state the nature of the grievance in question; and does not state the relief desired; and does not state who or what persons, residents of the said town of Hallowell and interested in said question, make complaint against this respondent in the matter referred to.

"And the said so-called complaint does not state what trains of this respondent stop at the town of Hallowell, or at what time or times such trains stop; it does not state what particular train or trains do not stop in the said town of Hallowell, nor the time or times of the passing of such trains through said town; nor what particular train or trains it is desired that this respondent shall cause to be stopped at said town of Hallowell which under its present schedule does not stop at said town.

"Wherefore, this respondent suggests that it is the duty of the Board to dismiss the said so-called complaint.

"Second.

"The St. Louis & San Francisco Railroad Company states to the honorable Board that it operates, and for a long time past has operated, three west-bound passenger-trains and three east-bound passenger-trains on its railroad through the said town of Hallowell; that one of said east-bound passenger-trains does not stop at said town of Hallowell, and one of its west-bound passenger-trains does not stop at said town of Hallowell; and this respondent states that the said two trains which do not so stop at said town of Hallowell are fast through passenger-trains running from the city of St. Louis to the city of Wichita, where it makes connections with daily morning trains upon the Atchison, Topeka & Santa Fe railroad and the Chicago, Rock Island & Pacific railroad and the Kansas City, Mexico & Orient railroad, and to the city of Burton, where it makes connections with west-bound trains upon the Atchison,

Topeka & Santa Fe railroad for points in Colorado and west, and to the city of Ellsworth, upon the Union Pacific railroad, where it makes connections for points in the West.

"That the other of said trains which does not stop at said town of Hallowell is a fast through passenger-train running from the city of Ellsworth on the Union Pacific railroad through said city of Burton and through said city of Wichita to the city of St. Louis.

"That the passenger traffic of said town of Hallowell is limited, and not sufficient to justify this respondent in stopping the said two trains in said town of Hallowell in addition to the other of its trains which do stop at said town.

"Third.

"This respondent states that it runs two east-bound passenger-trains through said town of Hallowell, both of which stop to discharge and take up passengers at said town. One of said trains being No. 302, passes through said town of Hallowell daily, going east at 2:07 A. M., running direct to St. Louis, where it arrives at 5 P. M., and passing through Columbus, Kan., where it makes close connection with one of the respondent's trains to Kansas City, Mo., where it arrives at 7:30 A. M., and passing through Monett, Mo., where it makes connections with trains on this respondent's railroad for points on the Fort Smith line, and passing through Springfield, Mo., where it makes connections with trains on this respondent's road for points on the Memphis and Birmingham line.

"That one of defendant's trains, being No. 306, passes through said town of Hallowell east-bound, where it stops, at 9:20 A. M., to discharge and take up passengers, and passes through Columbus at 9:50 A. M., where it makes close connection with the trains upon this respondent's railroad for Girard, Fort Scott and Kansas City, at which latter point it arrives at 5:20 P. M. That said train passes on from Columbus to Joplin, Mo., where it arrives at 11 A. M., where it makes connection with east-bound trains for St. Louis and points on the Fort Smith line and the Memphis and Birmingham line.

"Fourth.

"This respondent states that it runs two west-bound trains through said town of Hallowell, both of which stop at said town to discharge and take up passengers. One of said trains, being No. 301, west-bound, passes through said town of Hallowell at 1:05 A. M., coming direct from St. Louis, passing through Springfield, where it connects with trains on defendant's road from said Memphis line, and through said Monett, where it makes connections with trains on this respondent's road from the Fort Smith line, and passing through said town of Columbus, where it makes direct connections with trains on defendant's road from Kansas City, Fort Scott and Girard, and leaving said Kansas City at 8:10 P. M.

"That the other of said trains west-bound, being No. 311, passes through said town of Hallowell at 1:08 P. M., direct from St. Louis, and making like connections at Springfield and Monett, and passing through said town of Columbus at 12:40 P. M.

"Fifth.

"This respondent states that the travel of the citizens of the town of Hallowell is confined mostly to visiting near-by towns, and more especially the city of Columbus, which is the county-seat of Cherokee county, in which said town of Hallowell is situated; and that for the purpose of visiting said near-by towns, and of transacting business at said county-seat, the citizens of Hallowell would not be accommodated by the stopping of the two fast trains to any greater extent than they are accommodated by the trains which now regularly stop at said town.

"And having fully answered, this respondent asks that the said complaint be dismissed."

A copy of such answer was forwarded to the complainant, with the following communication:

"The Board notes that the town of Hallowell is now served by two passenger-trains each way a day, and that the two remaining trains which do not stop at that station are fast through trains making interstate connections. It has been the policy of the Board of Railroad Commissioners, except in very aggravated cases, to decline to stop fast through passenger-trains at small stations, it being the idea of the Board that it is as important to the state to have this fast through service as it is to be well provided with local service. It seems to the Board that the station of Hallowell is at present fairly well provided with passenger-train service and it does not feel warranted in requiring the respondent company to interfere with its fast through service, in this instance; this aside from the question of jurisdiction of the Board over interstate train service. The Board has closed the case on its dockets."

No. 635.—Filed June 9, 1907.

COAL RATES.

Citizens' Committee of Forty *vs.* Mo. Pac. Rly. Co., C. R. I. & P. Rly. Co. and A. T. & S. F. Rly. Co.

The Citizens' Committee of Forty, with headquarters at Atchison, Kan., filed the following complaint:

"Our attention has been called by the Citizens' Coal and Mining Company, and other citizens interested, to the discrimination in coal rates from Atchison, Kan., as compared with other mining districts in the state, practically putting our mine here out of the market to a great many points, for the reason that under the present rates it is impossible for the mining company here to meet the competition of other mines. All tariffs issued by the Missouri Pacific, Rock Island and Santa Fe roads will readily show you that it is impossible for our mine to do business on the present rate basis. Take, for instance, the rate to Topeka, which is 66 cents from Leavenworth and 75 cents from Atchison, the mileage from Atchison being less than from Leavenworth. The rate to Holton, Kan., from Atchison is $1 and from Leavenworth 75 cents, when the mileage is less from Atchison than from Leavenworth. All rates on the Rock Island road named in their tariff No. 10145-B, amendment No. 12, quoting rates from Leavenworth to all points, Holton to Caldwell, Kan., inclusive, are less than from Atchison, while in nearly every instance the distance from Atchison is less than from Leavenworth. We only cite to you the above points, feeling that it is unnecessary for us to go into details and cover each point separately; but by referring to the above tariff you can readily see that the Atchison mine is being discriminated against. Cannot your honorable Board take some action to relieve this situation? This committee, you understand, was organized for the purpose of taking up such matters and using our influence to have Atchison treated fairly, and we feel that your honorable Board will straighten the matter out for us. Thanking you in advance for anything you can do for us, we are—"

Copy of such complaint was forwarded to the legal departments of the respondent companies, with the request that they answer thereto under the rules of the Board. Prior to the answer-day, and on June 17, complainant asked that proceedings under the complaint be held in abeyance. This request was granted and the respondents hereto advised of the action

of the Board in the premises. On July 9 the following communication was received from complainants:

"We wish you would kindly withdraw the complaint made by this committee on behalf of the Citizens' Coal and Mining Company for readjustment of rates on coal from Atchison to points in Kansas. We have been advised by the Citizens' Coal and Mining Company that a satisfactory arrangement has been made between themselves and officials of the different lines, whereby rates will be published putting them on an equal basis with other producing mines. We thank you very much for your kindness in enabling us to bring about this result."

No. 636.—Filed June 9, 1907.

TELEPHONE CROSSING.

Missouri, Kansas & Texas Rly. Co. *vs.* Frank Byrns.

A complaint was filed by the Missouri, Kansas & Texas Railway Company, alleging that Frank Byrns maintains a telephone crossing over complainant's right of way and tracks one-half mile north of St. Paul, Kan., and that such crossing is not maintained at the standard required by the rules of the Board governing such matters. A copy of such complaint, together with the rules of the Board, was forwarded to the respondent, with the request that he advise whether or not such crossing would be brought to standard without the necessity of further or formal action on the part of the Board. On June 18 the respondent answered that the crossing had been brought to standard. A copy of such answer was forwarded to the complainant and the case was closed.

No. 637.—Filed June 5, 1907.

CROSSING.

The Union Traction Co. *vs.* Mo. Pac. Rly. Co.

The Union Traction Company filed a petition asking an order of the Board requiring the Missouri Pacific Railway Company to grant a crossing over its right of way and tracks at Independence, Kan. A copy of such petition was forwarded to the legal department of the respondent company, with the request that it answer thereto under the rules of the Board. Prior to answer-date complainant filed a motion to dismiss its petition, and such motion was granted. Respondent was advised of the action of the Board in the premises.

No. 638.—Filed June 7, 1907.

PASSENGER SERVICE.

H. E. Jacobs *vs.* C. R. I. & P. Rly. Co.

H. E. Jacobs filed a petition asking an order of the Board requiring the Chicago, Rock Island & Pacific Railway Company to stop its passenger-trains Nos. 10 and 27 at Brewster, Kan. To this complaint the respondent company answered as follows:

"Replying to yours of the 16th instant, enclosing copy of a letter from

H. E. Jacobs, secretary of the Brewster Commercial Club, which refers to the informal complaint respecting train service at Brewster, sent to this company on June 10, 1907, the train service accorded to Brewster at the present time is as follows:

"Trains 25 and 26, which are through Kansas City-Denver trains, stop at Brewster for business of any class. These are first-class trains, provided with sleeping-cars, dining-cars, coaches and smokers. These trains connect at Belleville with the Chicago trains. Train 27 stops to let off passengers for Belleville and points east and south thereof, and also to take on passengers destined to Denver, Colorado Springs and Pueblo. Train No. 28 stops at Brewster to take on passengers for Belleville and points east and south thereof, and to let off passengers from points west of Limon. In addition to this, trains Nos. 81 and 82, which are local trains carrying passengers, stop at Brewster.

"It seems to this company that the train service afforded the citizens of Brewster is first-class. Under no circumstances could we agree to stop train No. 40, as that train makes practically no stops between Denver and Colorado Springs and Belleville, except such as are necessary in operating the train. Stopping train No. 40 at Brewster would make it necessary to stop the train at many other points, which are as fully entitled to the stop as Brewster. This would destroy the use of the train as a through train."

A copy of such answer was forwarded to complainant with the following communication:

"You will note the statement of the company that you are now enjoying the service of trains Nos. 25 and 26, which are through Kansas City-Denver trains carrying sleeping-cars, dining-cars, coaches and smokers; service of Nos. 81 and 82, local trains carrying passengers, in addition to the service of trains 27 and 28 making stops for passengers east of Belleville or west of Denver, Colorado Springs or Pueblo. The Board has at all times declined to require fast through trains to stop at small stations where a reasonable amount of passenger service is otherwise afforded. It seems to the Board that the service afforded your station is ample and that it would not be warranted in interfering with fast through passenger service."

No. 639.—Filed June 18, 1907.

EXPRESS SERVICE.

The Wakefield Produce Co. *vs.* Pacific Express Co.

The Wakefield Produce Company complains that the Pacific Express Company refuses to handle cream shipments on its west-bound morning train at that city. To this complaint the respondent company answered as follows:

"I am in receipt of yours of June 18, enclosing copy of letter to the Board under date of June 12 from the Wakefield Produce Company complaining of discrimination on the part of our agent at Wakefield in accepting cream to be carried for the Continental Creamery Company on freight-train, east-bound, in the evening, and refusing to take similar shipments from that company to the Concordia Creamery Company at 8:10 A. M., west-bound.

"This is the first intimation I have had of any cause for dissatisfaction on the part of the Wakefield people. This company does not maintain service on the freight-train referred to, either east-bound or west-bound, and has no contract privileges with the railway company to operate on it. It is possible that the freight crew have accommodated the agent at Wakefield on east-bound shipments and that they are unable to extend the same accommodation to the west-bound business. I will

inquire into the matter and report result. If this accommodation service, east-bound, causes dissatisfaction, it will of course have to be discontinued. I can say, however, that it is not in the interest of the Continental Creamery Company, but if extended is given to all shippers of that commodity alike."

A copy of such answer was forwarded to the complainant, with statement that the train upon which it is desired that the shipments be accepted is a freight-train, and the Board is without authority to require the relief asked for at the hands of the Pacific Express Company.

No. 641.—Filed June 24, 1907.

EXPRESS SERVICE.

The Badger Gas and Gasoline Engine Co. *vs.* Pacific Express Co., Wells-Fargo Express Co., and United States Express Co.

The Badger Gas and Gasoline Engine Company asks the Board to require the Pacific Express Company, the Wells-Fargo Express Company and the United States Express Company to extend the limits of their free pick-up service at Kansas City, Kan.

Copies of the complainant's petition were forwarded to the legal departments of the respondent companies, and, upon receipt of answers therefrom stating that the service prayed for had been granted, the case was closed.

No. 642.—Filed June 28, 1907.

DISCRIMINATION IN RATES.

W. R. Kent *vs.* Mo. Pac. Rly. Co.

W. R. Kent, by Sproul & Van Tuyl, his attorneys, filed a petition alleging that the Missouri Pacific Railway Company discriminates against the town of Sedan, Kan., in its adjustment of freight rates on pop and soda-water, and asks the Board to require the respondent company to grant proper relief in the premises. A copy of such petition was forwarded to the legal department of the respondent company, with the request that it answer thereto under the rules of the Board, and on July 12 respondent filed an application for postponement of hearing on such petition pending the readjustment of the rates complained of. On July 24 the following was received from J. H. Richards, general attorney for the respondent company:

"I am just in receipt of advice that the new tariff equalizing the rates between the cities of Arkansas City, Winfield, Fredonia, Coffeyville and Sedan, on pop and soda-water, has been adopted, and the new tariff will be in effect on the 30th instant."

Copy of such communication was forwarded to the complainant and the case closed.

No. 643.—Filed June 27, 1907.

INTERLOCKING PLANT.

C. R. I. & P. Rly. Co. *vs.* M. K. & T. Rly. Co.

The Chicago, Rock Island & Pacific Railway Company filed an application for permission to install an interlocking plant on the crossing of its line over the line of the Missouri, Kansas & Texas Railway Company, at White City, Kan.

A copy of such application was forwarded to the legal department of the respondent company, with the request that it answer thereto under the rules of the Board. Prior to such answer-day the complainant withdrew its application herein and the case was closed.

No. 644.—Filed June 29, 1907.

DISCRIMINATION.

Hutchinson Ice and Cold Storage Co. *vs.* A. T. & S. F. Rly. Co.

The Hutchinson Ice and Cold Storage Company filed a petition alleging that the Atchison, Topeka & Santa Fe Railway Company discriminates against it and in favor of its business competitors in the matter of furnishing refrigerator equipment for the shipment of ice.

A copy of such complaint was forwarded to the legal department, and it answered thereto as follows:

"I am returning papers received with yours of July 3, complaint of the Carey Salt Company to the Board of Railroad Commissioners, on account of our not having furnished sufficient refrigerators for the shipment of ice:

"I find between June 15 and July 15 these people shipped 36 cars of ice —33 refrigerators and 3 box cars, while our records show that there were but 33 cars ordered. The Union Ice Company (the only other ice shipper at Hutchinson) shipped 8 cars. In addition to the above there were a few other cars picked up in the Rock Island yard and loaded by the Carey Salt Company without any orders having been filed for same.

"The only class of refrigerators we have suitable for the shipment of ice are thirty-four-foot cars, and there has been a heavy demand for this equipment for ice loading and also for loading of packing-house products. We have been after the matter vigorously and giving these cars best possible movement in order to take care of orders as promptly as possible, and a large number of cars have been moved to Hutchinson from the eastern grand division in the past few weeks. The situation at Wichita and Newton, concerning which they speak, is the same as at Hutchinson, excepting that at Newton we have been loading ice for our own needs and shipping it to La Junta; consequently Newton has loaded more ice than other points. However, we have been using box cars for this purpose. We could have furnished as many box cars as were needed at Hutchinson, but the shippers requested refrigerators.

"I am watching this matter closely and every possible effort will be made to supply sufficient equipment to take care of our orders at Hutchinson, as well as at other points. I believe, with the cars we have moved and are moving to Hutchinson, the Carey Salt Company will have plenty to take care of their shipments."

A copy of such answer was transmitted to the complainant, with the foHowing communication:

"The Board desires to specially call your attention to that portion of

Mr. Hurley's answer saying: 'I am watching this matter closely and every possible effort is being made to supply sufficient equipment to take care of our orders at Hutchinson.' The Board hopes that its action in taking the matter up with the company has resulted in the affording of material relief to you."

No. 645.—Filed July 29, 1907.

PASSENGER DEPOTS.

Mayor and Council of Kansas City, Kan., *vs.* Union Pacific Rld. Co. *et al.*

The mayor and council of Kansas City, Kan., by C. F. Hutchings, as counsel, filed a petition asking that the Union Pacific Railroad Company, the Chicago, Rock Island & Pacific Railway Company, the Missouri Pacific Railway Company, the Atchison, Topeka & Santa Fe Railway Company, the Kansas City Northwestern Railroad Company and the Chicago Great Western Railway Company be required to maintain adequate passenger-depot facilities at Kansas City, Kan.

Copies of such complaint were forwarded to the respondent companies, with the request that they answer thereto, and, upon the joining of issues and due hearing in the premises, the Board made the following findings and order:

"Upon the joining of issues herein and due notice to all interested parties the Board met at Kansas City, Kan., on March 18, 1908, and concluded the hearing in the above-entitled action, the complainants appearing in person and by attorneys and the respondents by representatives of their legal and operating departments. After the introduction of evidence and arguments of counsel, and having fully advised itself in the premises, the Board finds:

"*First.* That the Board is without jurisdiction to make any order in this action affecting the respondent the Chicago, Rock Island & Pacific Railway Company.

"*Second.* That the present passenger-depot facilities afforded by the respondents the Missouri Pacific Railway Company and the Union Pacific Railroad Company, at Kansas City, Kan., are inadequate to the needs of said city and the traveling public.

"*Third.* That before the expenditure of any sum of money should be required of the Union Pacific Railroad Company in the betterment of its passenger-depot facilities at Kansas City, Kan., the complainants should cause to be constructed and provide for the maintenance of suitable foot and wagon approaches thereto, sufficient to make such depot accessible to and convenient for the public use.

"It is therefore ordered by the Board of Railroad Commissioners of the state of Kansas that this action be and it is hereby dismissed as to the respondent the Chicago, Rock Island & Pacific Railway Company.

"It is further ordered by the Board that on or before October 1, 1908, the respondent the Missouri Pacific Railway Company commence the construction of a passenger-depot at some point on its main line between Nebraska avenue, in said city, and the present main line of the Union Pacific Railroad Company at its Armstrong station, convenient for the use of the traveling public; the size and form of construction of such depot building to conform with the terms of the franchise granted by the city of Kansas City, Kan., to the Edgewater Connecting Railway Company, such structure to be completed on or before October 1, 1910.

"It is further ordered by the Board that on or before July 1, 1908, the respondent the Union Pacific Railroad Company commence the construction of a passenger-depot at the location of its present Armstrong station, such passenger-depot building to be constructed in the manner provided for by the sketch of proposed construction attached hereto, made a

part hereof, and marked 'Exhibit A,' and to be completed on or before January 1, 1909; provided, that the respondent shall not be required to construct such improved passenger-depot facilities until the complainants herein shall have constructed and provided for the maintenance of suitable foot and wagon approaches thereto sufficient to make such depot facilities accessible to and convenient for public use.

"The passenger-depot facilities above designated shall be considered as being temporarily adequate to the public demands of Kansas City, Kan., until such time as the union passenger-depot for Kansas City, Mo., has been constructed, or a larger structure is needed to conveniently accommodate the needs of Kansas City, Kan., and the traveling public."

No. 646.—Filed July 26, 1907.

EXPRESS SERVICE.

Fairmont Creamery Co. *vs.* Wells, Fargo & Co. Express.

The Fairmont Creamery Company complains that the Wells, Fargo & Co. Express discriminates against it and in favor of the Continental Creamery Company in the matter of acceptance of shipments of cream.

To this complaint the respondent answered that the service which complainant desired that it inaugurate was that of transporting cream on freight-trains; that such company does not do an express business on freight-trains; that occasionally, for the benefit of its patrons and where it is enabled to enter into a contract, it does carry express on accommodation trains; that investigation will be made into the merits of the complaint *in re* discrimination in favor of the Continental Creamery Company, and if it is found that any dscrimination is being indulged in the practice will be discontinued. Upon such answer the case was closed.

No. 648.—Filed August 13, 1907.

In the matter of bulletining of time of arrival of passenger-trains at stations in Kansas.

The Board issued the following notice to the several railroad companies operating in Kansas:

"Pursuant to the statutes of this state, it is the judgment of the Board of Railroad Commissioners that a change in the mode of operating your railway is reasonable and expedient in order to promote the convenience and accommodation of the public. You are therefore notified that you are required to keep posted in a conspicuous place at all of your passenger stations in Kansas a bulletin which shall show the schedule time of arrival of all scheduled passenger-trains at each of said stations, together with a bulletin of the actual running-time of each scheduled passenger-train, said bulletin to be made at least an hour in advance of the schedule-time of arrival of such scheduled passenger-trains, and to be corrected each half-hour thereafter until the train has arrived.

"Said company is hereby further notified that unless the service above required is inaugurated within thirty days from the date hereof, the Board will instruct its attorney to file proper complaint in the premises."

The Board being advised that the railroad companies upon which the above notice was served were substantially complying with the desires of the Board in the premises, the case was closed.

No. 649.—Filed July 26, 1907.

MILK AND CREAM RATES.

In the matter of the application of the C. B. & Q. Rld. Co. and the C. R. I. & P. Rly. Co. for permission to establish rates on milk and cream.

The Chicago, Burlington & Quincy Railroad Company and the Chicago, Rock Island & Pacific Railway Company filed a petition for permission to establish the rates on milk and cream quoted in Chicago, Rock Island & Pacific Railway Company's circular No. R-276 on movements between stations in Kansas.

The Board set Tuesday, September 24, 1907, at its office, in Topeka, Kan., as a time and place for the hearing of such application, and advised parties interested in the shipment of these commodities of its action in the premises.

Upon application of the Continental Creamery Company, the judge of the United States circuit court, sitting at Chicago, Ill., issued an order restraining the establishment of the rates quoted in the above circular on interstate shipments. Pending the hearing for permanent injunction in the United States court, the hearing in the above-entitled action was, upon application of complainants, indefinitely postponed.

No. 650.—Filed August 6, 1907.

SWITCH TO ELEVATOR.

Cullison Grain and Live Stock Association *vs.* Union Pacific Rld. Co.

G. F. Grattan, attorney for the Board of Railroad Commissioners, filed a complaint of the Cullison Grain and Live Stock Association, asking for an order of the Board requiring the Union Pacific Railroad Company to construct a switch to complainant's elevator, at Culver, Kan.

To this complaint the respondent company answered as follows:

"Now comes defendant and for answer to the petition of the complainant filed herein denies each and every allegation therein contained except such as may be hereinafter specifically admitted.

"This defendant shows that it is a corporation, and the owner of a railroad extending from Kansas City, Mo., through the states of Kansas, Colorado and Wyoming to the city of Ogden, in the state of Utah, and also owns a line of railroad extending from the city of Omaha, Neb., to Cheyenne, Wyo., where it connects with the first line mentioned, and that it owns a line of railroad passing through Culver, Ottawa county, Kansas, which is a part of its system of railroad extending through various states as aforesaid.

"Defendant further shows that it is now and has for a long time been engaged in operating said lines of railroad as a common carrier of interstate commerce.

"Defendant further shows that on or about April 1, 1907, complainant made written application to it for an elevator site on the right of way at Culver; that the defendant immediately started to investigate the matter for the purpose of determining whether the site selected by the complainant could be granted to it; that afterwards, on May 9, the complainant informed defendant's superintendent that it would wait until May 13 for a decision on its application; that on May 13, 1907, the defendant caused a lease to be executed granting the complainant the site desired, and notified the complainant to that effect; but the complainant

then notified this defendant that it had concluded not to build on the right of way and directed that its application for a site on the right of way be canceled. Defendant further shows that the site applied for by the complainant, and which was afterwards granted to it, was alongside of the side-track along which all other elevators, coal-houses and stock-yards were located, and was about 150 feet east of the depot at Culver and was a good and suitable place for the location and operation of an elevator. A blue-print is attached to this answer, made a part hereof, and shows the site above referred to enclosed in yellow lines and marked 'Site offered to Culver Grain and Live Stock Association.'

"Defendant further shows that since the 13th day of May, 1907, the complainant has built an elevator on block 29, north of defendant's right of way and about 150 feet distant from its side-track.

"Defendant further shows that to construct a side-track leading to complainant's elevator will require the building of a track 2,002 feet long, which will cost the sum of $3225.13, and in order to get proper curvature it will be necessary to move certain buildings now located on the right of way and to connect said side-track at the east end with the main line, thereby increasing the danger of operation, and in addition thereto many street-crossings will be required over said side-track, which will cost a large sum of money, and it will require a large sum of money to maintain such side-track and crossings after they are constructed. The blue-print above mentioned shows all the tracks, side-tracks, stock-yards and buildings on the right of way at Culver, Kan., and also shows by a yellow line the side-track asked for by the complainant.

"Defendant further shows that it has now all the side-track that is necessary for the proper conduct of its business at Culver, Kan., and that it had at the time complainant was negotiating for a site on defendant's right of way plenty of side-track room to accommodate the complainant, as well as the public generally.

"Defendant respectfully represents that it will be unjust and inequitable to require it to build a side-track for the use and benefit of the complainant, and that to require it to do so will be to take its property for the private use and benefit of said complainant, and that it will be a direct and illegal interference with interstate commerce."

After the joining of issues, and upon due hearing in the premises, the Board made the following findings and order:

"After the filing of the complaint of the plaintiff herein, notice and copy of the petition, as required by statute, was served upon the defendant, and thereafter the defendant made written answer thereto. And after issues were joined the said Board and its attorney, and the defendant by its attorneys, met at Culver, in Ottawa county, Kansas. Examination of the premises was made by the Board, and the testimony of sundry witnesses was taken by the plaintiff, and examined by the defendant. The further hearing, at defendant's request, was continued to Topeka, Kan.; and thereafter, pursuant to the continuance, the parties appeared by their representatives and attorneys, and the defendant offered its evidence and testimony, and the matters were argued to the Board by the respective parties.

"The Board of Railroad Commissioners of the state of Kansas finds that the plaintiff, prior to the filing of the petition, has erected a grain-elevator of the capacity of 15,000 bushels, upon land abutting on the right of way of the Union Pacific Railway Company at Culver, Kan.; and that such grain-elevator is about 225 feet from the depot of the defendant at Culver, Kan.; that Culver is a regular way station of the defendant; that a switch, spur or side-track is necessary for the proper conduct of business by the plaintiff in and about its grain-elevator in the transacting of the grain-elevator business of the plaintiff with the said defendant as a common carrier in the state of Kansas; that the plaintiff is without any switch, spur or side-track at Culver, Kan., at its elevator on the line of the defendant, and cannot load out grain from its elevator

into the cars for shipment; that the elevator building of the plaintiff at Culver, Kan., is for conducting a grain-elevator business and shipping with the defendant in a public relation on the part of the plaintiff; that said elevator is surrounded by an extensive, well-farmed and permanent grain-producing country, whose product is naturally marketed at Culver, Kan., and that there are not sufficient switch, spur or side-track facilities to transact the required business of the plaintiff and the community for several miles around Culver with the defendant as a common carrier; and that a large portion of the grain business is handled by and through said grain-elevator to be shipped over the defendant's road; that there is ample room on and over the right of way of the defendant along and by the grain-elevator of the plaintiff upon which to build a switch, spur or side-track for the transaction of the elevator business of said plaintiff and the large farming community which markets its products through such elevator; that said elevator is a substantial and permanent grain-elevator for the carrying on of a permanent business with said defendant as a common carrier; that the Union Pacific Railway Company, defendant, should be required to build a switch, spur or side-track on its said right of way from near the southwest corner of its present stock-yards on its right of way westward past the elevator of the plaintiff for a distance sufficient to afford room for five of its largest freight-cars at one time, so that the five cars can be loaded from the elevator spout. And the Board finds against the claims of the defendant set out in its answer, and that it is not necessary to incur the cost and expense and to build a track of the distance claimed by the defendant in its answer; and further finds that said switch, spur or side-track does not require other than older material commonly used by railroads for such purposes. And that said elevator will furnish ample remuneration to defendant, and that said switch, spur or side-track is necessary and ought to be constructed and maintained by the defendant.

"It is therefore ordered by the Board that the Union Pacific Railway Company, the defendant, do, within thirty days after service of a copy hereof on the defendant, construct said switch, spur or side-track from its present track at or near the southwest corner of the stock-yards of defendant at Culver, Kan., or from such point or place as the defendant may choose, and extend the same on its right of way near enough the plaintiff's elevator so as to load the cars from the elevator spout, and that the track extend westward beyond the grain-elevator for a sufficient distance to afford space for at least five of the largest freight-cars on the track at one time, so that they may all be loaded from said elevator; provided, that the Union Pacific Railway Company may construct said track from such point and to such point as it may elect, and out of such material as it may elect, provided the same shall pass by the plaintiff's elevator with sufficient track to furnish room for at least five of the largest freight-cars at one time, so that the same may be loaded out from the elevator; provided, if more than thirty days' time is needed to build, that it may be had on application of defendant."

The respondent company took an appeal from said order to the United States circuit court for the district of Kansas, first division.

No. 651.—Filed August 21, 1907.

PULLMAN SERVICE.

In the matter of deadheading Pullman cars.

The following notice was served on W. H. Rossington, as attorney for the Pullman Company:

"*To the Pullman Company:* It has come to the notice of the Board that it is the practice of the Pullman Company to very frequently lock up certain of its Pullman cars while in line of transit and deprive the travel-

ing public of the use thereof, this action on the part of said company frequently requiring people to stand when the opening of such cars would enable them to secure berths.

"Pursuant to the provisions of section 4, chapter 268, Session Laws of 1907, the Pullman Company is hereby notified that unless such practice of deadheading or closing its Pullman cars while in line of transit is discontinued within thirty days from the date hereof and such cars thrown open for the use of the traveling public, the Board will instruct its attorney to file proper complaint in the premises."

Upon receipt of answer from the respondent that it expected to comply with the requirements of the Board in the matter of deadheading empty cars, the case was closed.

No. 652.—Filed August 24, 1907.

TWO-CENT PASSENGER FARE.

The State of Kansas *ex rel.* G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, Plaintiff, *vs.* The Atchison, Topeka & Santa Fe Rly. Co., The Chicago, Burlington & Quincy Rld. Co., The Chicago, Rock Island & Pacific Rly. Co., The Kansas City, Mexico & Orient Rly. Co., The Kansas Southwestern Rly. Co., The Leavenworth, Kansas & Western Rly. Co., The Leavenworth & Topeka Rly. Co., The Missouri, Kansas & Texas Rly. Co., The St. Joseph & Grand Island Rly. Co., The St. Louis & San Francisco Rld. Co., The Union Pacific Rld. Co., Defendants.

G. F. Grattan, as attorney for the Board of Railroad Commissioners of the state of Kansas, filed with said Board the following petition:

"The plaintiff alleges that the defendants are each a railway corporation duly incorporated under law, and that each is a railway company transacting business within the state of Kansas as a common carrier of passengers.

"The plaintiff alleges as to the defendants and shows to the Board of Railroad Commissioners of the state of Kansas that the amount of the passenger traffic, and the cost of transportation, and the density of population, and the general topography of the state of Nebraska as to the cost of construction and operation of railroads is approximately the same in the state of Nebraska and in the state of Kansas; and that in the state of Nebraska an emergency was declared by the state of Nebraska without regard to the reasonableness of the rate; that a rate of two cents per mile for the transportation of passengers be at once, from the passage of the law, in force in the state of Nebraska; and that the railroads of the state of Nebraska are litigating with the state in the courts of Nebraska as to the reasonableness of the rate declared by the legislature of the state of Nebraska and in force by reason of the emergency declared. And the plaintiff does allege as to the defendants, and shows to the said Board, that the same conditions prevailing in the state of Nebraska then and now likewise prevail and exist in the state of Kansas, and that the Board of Railroad Commissioners of the state of Kansas should declare an emergency to exist in the state of Kansas and imperatively order and put into force a flat rate of two cents per mile, or a passenger rate not exceeding two cents per mile, for the transportation of pasengers within the state of Kansas, and that said emergency rate within the state of Kansas shall be and remain in force until the railroads of the state of Nebraska shall have obtained a judgment in the state of Nebraska that the emergency rate in Nebraska is an unreasonable rate. And if the railroads of Nebraska shall not so obtain a judg-

ment in the state of Nebraska declaring said emergency rate an unreasonable or unjust rate, then the emergency rate in the state of Kansas shall become a permanent passenger rate within the state of Kansas.

"That the state of Kansas, in asking said emergency rate, does hereby reserve the right at any time by itself or by any other person under the law to make complaint as to the reasonableness of any charge, rate or price charged by any railroad for the transportation of passengers within the state of Kansas, and the question of the reasonableness or unreasonableness of any passenger rate, fare or charge within the state of Kansas be in the order reserved, and that the state be not prejudiced by reason of this complaint and any order made thereunder.

"That the Board of Railroad Commissioners of the state of Kansas should declare that said emergency does now exist, and should make and declare an emergency rate, and should order a flat two-cent rate, or passenger rate not exceeding two cents per mile, to be in force within the state of Kansas, and that the order be made imperative as against the defendants and all railroads within the state, and that said order be effective at as early a date as the emergency declared warrants.

"Wherefore, the state of Kansas, on the relation of the attorney for the Board of Railroad Commissioners of the state of Kansas, prays that proper notice be given to each of the defendants, and that the Board shall investigate the complaint herein made, and after an examination and hearing that the Board shall declare that an emergency exists within the state of Kansas, and that it shall declare and make an emergency rate of not to exceed two cents per mile to be in force within the state of Kansas, and that said emergency and emergency rate shall remain in force until the question of the reasonableness or unreasonableness of the rate in the state of Nebraska has been determined by the courts of Nebraska, and if said rate be declared by the courts of the state of Nebraska to be an unreasonable rate that the emergency and emergency rate declared by the Board of Railroad Commissioners of the state of Kansas shall cease. But if said rate be declared by the courts of Nebraska to be a reasonable rate, the emergency rate herein fixed by the said Board shall become and remain a permanent passenger rate within the state of Kansas until the Board by lawful order shall thereafter otherwise order; and that this order be made effective at as early a date as the emergency declared warrants; and also that in said order that the right of the state or the Board or its attorney to contest the reasonableness of any passenger rate, fare or charge in the state of Kansas remain open and without prejudice by reason of the premises, and that said order prayed for be so framed as to effectuate the purpose and intent of this petition."

To this petition the respondent companies severally answered as follows:

"ANSWER OF MISSOURI, KANSAS & TEXAS RAILWAY COMPANY.

"The Missouri, Kansas & Texas Railway Company, one of the defendants above named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger rate regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence, and defendant says that there is no emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the aforementioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare any emergency does now exist, or shall make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality; and respondent alleges that if flat two-cent fares are made effective in Kansas it will compel the reduction of interstate fares.

"Wherefore, this defendant prays that, in justice to it and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken and that the complaint of the plaintiff be dismissed."

"ANSWER OF ST. JOSEPH & GRAND ISLAND RAILWAY COMPANY.

"The St. Joseph & Grand Island Railway Company, one of the defendants above named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and

that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger rate regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence; and defendant says that there is no emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or shall make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, good on the railroad issuing the same, and 2000-mile tickets (interchangeable) good upon any railroad in the state of Kansas, giving the railroads of the state to understand by its action and by the action of its representatives in the legislature, and by the action of its representatives in the executive department of the state, that such rates should remain effective for a reasonable length of time, and that if the railroads of the state would accept the provisions of the statute without contest that they would not be called upon to change or alter their rates of passenger fares for a reasonable length of time. And respondent alleges that with such understanding it put the provisions of the law into effect at the time fixed by this honorable Board and has kept on sale the mileage-books therein provided for, at the rates therein fixed; and that notwithstanding the fact that many lawyers of ability in the legislature declared in public speeches that the law providing for mileage-books was unconstitutional, that it refused to raise any constitutional or other question with respect to their legality, and put the mileage-books on sale. And respondent avers that good faith upon the part of the state and upon the part of the

executive of the state who signed the bill, requires that the rates therein provided for should remain in effect for a reasonable length of time. In addition to complying with said law by selling mileage-tickets at the rate of two cents per mile, this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made; therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the passenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality. And respondent alleges that if flat two-cent fares are made effective in Kansas it will compel similar reductions in other states and territories adjacent to Kansas, and will also compel the reduction of interstate fares.

"Wherefore, this defendant prays that, in justice to it and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

"SEPARATE ANSWER OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY.

"Comes now the defendant, The St. Louis & San Francisco Railroad Company, and for its separate answer to the plaintiff's petition in the above-entitled cause denies all and singular the allegations therein.

"And having fully answered, this defendant asks to be dismissed."

"SEPARATE ANSWER OF THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY.

"Comes now the defendant, The Chicago, Rock Island & Pacific Railway Company, and for its separate answer to the plaintiff's petition in the above-entitled cause denies all and singular the allegations therein.

"And having fully answered, this defendant asks to be dismissed."

"ANSWER OF UNION PACIFIC RAILROAD COMPANY.

"The Union Pacific Railroad Company, one of the defendants above-named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas, and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway

in the state of Nebraska is greater than it is in the state of Kansas and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger fare regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of the said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation, defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or shall make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, good on the railroad issuing the same, and 2000-mile tickets (interchangeable) good upon any railroad in the state of Kansas, giving the railroads of the state to understand by its action and by the action of its representatives in the legislature, and by the action of its representatives in the executive department of the state, that such rates should remain effective for a reasonable length of time, and that if the railroads of the state would accept the provisions of the statute without contest that they would not be called upon to change or alter their rates of passenger fares for a reasonable length of time. And respondent alleges that with such understanding it put the provisions of the law into effect at the time fixed by this honorable Board, and has kept on sale the mileage-books therein provided for at the rates therein fixed; and that notwithstanding the fact that many lawyers of ability in the legislature declared in public speeches that the law providing for mileage-books was unconstitutional, that it refused to raise any constitutional or other question with respect to their legality, and put the mileage-books on sale. And respondent avers that good faith upon the part of the state

and upon the part of the executive of the state who signed the bill, requires that the rates therein provided for should remain in effect for a reasonable length of time. In addition to complying with said law by selling mileage-tickets at the rate of two cents per mile, this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made; therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the pasenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality. And respondent alleges that if flat two-cent fares are made effective in Kansas it will compel similar reductions in other states and territories adjacent to Kansas. and will also compel the reduction of interstate fares.

"Wherefore this defendant prays that, in justice to it and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

"ANSWER OF THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY.

"The Atchison, Topeka & Santa Fe Railway Company, one of the defendants above named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger rate regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation, defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence; and defendant says that there is no emergency now in existence. . On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or should make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, thereby entering into a contract with the several Kansas railway companies which they accepted and are now carrying out in good faith; that this law is giving good satisfaction to the people of the state of Kansas, and that no complaint by the people of said state has been made respecting the reasonableness of said rate or the justness of said legislation so enacted by their representatives. In addition to complying with said law by selling 500-mile tickets at the rate of two cents per mile this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger-rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made; therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken

with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the passenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people; and the people of Kansas, as before said, have shown by an utter absence of protest or agitation their complete satisfaction with the work of their representatives in the legislature of 1907 respecting passenger rates on railways.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality; that by the legislature of 1907 the people of Kansas, through their representatives, disposed of the question until the next meeting of their representatives, and have, since the adjournment of said legislature, shown no disposition to reopen the subject or shown any dissatisfaction with the work of their representatives then done.

"Wherefore this defendant prays that, in justice to it as a citizen of the state of Kansas and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

"ANSWER OF THE LEAVENWORTH & TOPEKA RAILWAY COMPANY.

"The Leavenworth & Topeka Railway Company, one of the defendants above named, makes this its answer to the allegations of the plaintiff in its complaint.

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within the state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger fare regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation, defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence; and defendant says that there is no emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would

be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or should make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, thereby entering into a contract with the several Kansas railway companies which they accepted and are now carrying out in good faith; that this law is giving good satisfaction to the people of the state of Kansas, and that no complaint by the people of said state has been made respecting the reasonableness of said rate or the justness of said legislation so enacted by their representatives. In addition to complying with said law by selling 500-mile tickets at the rate of two cents per mile this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger-rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made. Therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the passenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people; and the people of Kansas, as before said, have shown by an utter absence of protest or agitation their complete satisfaction with the work of their representatives in the legislature of 1907 respecting passenger rates on railways.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality; that by the legislature of 1907 the people of Kansas, through their representatives, disposed of the question until the next meeting of their representatives and have, since the adjournment of said legislature, shown no disposition to reopen the subject, or shown any dissatisfaction with the work of their representatives then done.

"8. And this defendant, further answering, says that at no time in its history, since the date of its incorporation, has its total receipts for all business, freight, passenger, mail and express, been sufficient to pay

the fixed charges, operating expenses and taxes for any one year, and that every year since its incorporation it has been necessary for its board of directors to levy an assessment against its stockholders for the purpose of procuring money to pay the deficit in operating expenses, fixed charges and taxes; that at no period during the history of said road has the actual cost of transporting passengers over its line, with the limited amount of traffic of this class enjoyed by it, been less than the amount received for such passenger transportation at existing rates, and that the cost of conducting the transportation of passengers over this defendant's line of railroad is, at the present time, under the present existing rates, largely in excess of the amounts received for such service, and any order making a reduction in such rates would be confiscatory, illegal and void.

"Wherefore, this defendant prays that, in justice to it as a citizen of the state of Kansas and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

Upon the joining of issues, and after due hearing in the premises, the Board made the following findings and order:

"Complaint in the above-entitled action was filed herein on the 27th day of August, 1907. Upon the joining of issues, and on the 3d day of September, 1907, due notice of the time and place thereof having been given, the Board met at its office, at the state-house, in the city of Topeka, and entered upon a hearing in the premises, the complainant appearing by G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, and the respondents by representatives of their legal and traffic departments.

"After the introduction of evidence and argument of counsel, all parties thereto having rested their case, the Board finds that all of the material allegations in plaintiff's complaint filed herein are true.

"It is therefore ordered by the Board that, on or before thirty days from the date hereof, the defendant railroad companies, and each of them, and all of the railroads, establish and put into effect a rate not in excess of two cents per mile for the transportation of any passenger who is over twelve years of age upon any railroad in this state, nor in excess of one-half that sum per mile for transportation of any passenger between the ages of six and twelve years, and children under the age of six years shall be transported free of charge, when accompanied by some person paying fare.

"It is further ordered that upon the completion of the litigation of the two-cent passenger rate between the state of Nebraska and certain railways, now pending in the courts, which involves the question of the constitutionality and reasonableness of the Nebraska two-cent fare law, being house roll No. 267 of the state of Nebraska and approved March 6, 1907, this order shall cease and become of no force and effect. Upon the termination of said litigation now pending in the courts all parties hereto, both the state of Kansas, the Board of Railroad Commissioners of the state of Kansas, the attorney for said Board, and its officers and agents, and each and all of the defendant companies, and all railways, both collectively and individually, shall at that time be placed in the same position as if the order herein made had not been entered.

"It is hereby further ordered by the Board that the state of Kansas, the Board of Railroad Commissioners of the state of Kansas, and its attorneys, officers and agents, are hereby precluded from claiming now or hereafter any binding effect in fact or law for said findings and order, or either thereof, as against the railways or either thereof, other than for the validity thereof for the enforcement of this order."

Certified copies of the above order were served on the respondent rail-

way companies, and on September 24 said respondents filed the following announcement:

"*To G. W. Kanavel, C. A. Ryker, Frank J. Ryan, Railroad Commissioners of the State of Kansas:*

"The undersigned railway companies announce that they propose to put in effect, under protest, on the 5th day of October, 1907, and to maintain the same pending litigation, the two-cent passenger rate as recently ordered by you, and prior to putting the same in effect propose to file suits in the courts challenging said rate.

"Dated this 24th day of September, 1907.

"UNION PACIFIC RAILROAD COMPANY,
By N. H. LOOMIS, General Attorney.

"LEAVENWORTH, KANSAS & WESTERN RAILWAY CO.,
By N. H. LOOMIS, General Attorney.

"TOPEKA & NORTHWESTERN RAILWAY COMPANY,
By N. H. LOOMIS, General Attorney.

"THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO.,
By W. R. SMITH, Solicitor for Kansas.

"LEAVENWORTH & TOPEKA RAILROAD CO.,
By W. R. SMITH, Solicitor for Kansas.

"ST. LOUIS & SAN FRANCISCO RAILROAD CO.,
By W. F. EVANS, General Attorney.

"THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY CO.,
By M. A. LOW, General Attorney.

"MISSOURI, KANSAS & TEXAS RAILWAY CO.,
By JOHN MADDEN, General Attorney.

"ST. JOSEPH & GRAND ISLAND RAILROAD CO.,
By R. A. BROWN, General Attorney.

"CHICAGO, BURLINGTON & QUINCY RAILROAD CO.,
By JAS. KELBY.

"KANSAS CITY, MEXICO & ORIENT RAILWAY CO.,
By JOHN A. EATON, General Solicitor.

"KANSAS CITY SOUTHERN RAILWAY CO.,
By S. W. MOORE, General Solicitor.

"MISSOURI PACIFIC RAILWAY CO.,
By B. P. WAGGENER and J. H. RICHARDS,
General Attorneys."

No. 653.—Filed August 18, 1907.

DISCRIMINATION.

Carey Salt Company *vs.* Mo. Pac. Rly. Co.

The Carey Salt Company, of Hutchinson, Kan., filed a petition alleging that the Missouri Pacific Railway Company discriminates against it and in favor of its business competitors in the matter of furnishing refrigerator equipment for the shipment of ice.

To this complaint the respondent company answered as follows:

"Comes now the Missouri Pacific Railway Company, and for answer to the complaint filed herein says, that it denies generally and specifically every averment in the complaint to the effect that this defendant is practicing either discrimination or unfair treatment of complainant in the manner charged, or at all.

"Further answering, defendant says that it has not at any time set aside any cars for ice loading at any point, but the fact is that it has but one rule, applicable alike to all shippers, which rule is expressed and contained in what is known as circular No. 726-C, canceling circular No. 726-B, which was put into effect July 10, 1906, copy of which is hereto attached and made a part of this answer.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger rate regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence, and defendant says that there is no emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the aforementioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare any emergency does now exist, or shall make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality; and respondent alleges that if flat two-cent fares are made effective in Kansas it will compel the reduction of interstate fares.

"Wherefore, this defendant prays that, in justice to it and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken and that the complaint of the plaintiff be dismissed."

"ANSWER OF ST. JOSEPH & GRAND ISLAND RAILWAY COMPANY.

"The St. Joseph & Grand Island Railway Company, one of the defendants above named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and

that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger rate regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence; and defendant says that there is no emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or shall make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, good on the railroad issuing the same, and 2000-mile tickets (interchangeable) good upon any railroad in the state of Kansas, giving the railroads of the state to understand by its action and by the action of its representatives in the legislature, and by the action of its representatives in the executive department of the state, that such rates should remain effective for a reasonable length of time, and that if the railroads of the state would accept the provisions of the statute without contest that they would not be called upon to change or alter their rates of passenger fares for a reasonable length of time. And respondent alleges that with such understanding it put the provisions of the law into effect at the time fixed by this honorable Board and has kept on sale the mileage-books therein provided for, at the rates therein fixed; and that notwithstanding the fact that many lawyers of ability in the legislature declared in public speeches that the law providing for mileage-books was unconstitutional, that it refused to raise any constitutional or other question with respect to their legality, and put the mileage-books on sale. And respondent avers that good faith upon the part of the state and upon the part of the

executive of the state who signed the bill, requires that the rates therein provided for should remain in effect for a reasonable length of time. In addition to complying with said law by selling mileage-tickets at the rate of two cents per mile, this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made; therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the passenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality. And respondent alleges that if flat two-cent fares are made effective in Kansas it will compel similar reductions in other states and territories adjacent to Kansas, and will also compel the reduction of interstate fares.

"Wherefore, this defendant prays that, in justice to it and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

"SEPARATE ANSWER OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY.

"Comes now the defendant, The St. Louis & San Francisco Railroad Company, and for its separate answer to the plaintiff's petition in the above-entitled cause denies all and singular the allegations therein.

"And having fully answered, this defendant asks to be dismissed."

"SEPARATE ANSWER OF THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY.

"Comes now the defendant, The Chicago, Rock Island & Pacific Railway Company, and for its separate answer to the plaintiff's petition in the above-entitled cause denies all and singular the allegations therein.

"And having fully answered, this defendant asks to be dismissed."

"ANSWER OF UNION PACIFIC RAILROAD COMPANY.

"The Union Pacific Railroad Company, one of the defendants above-named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas, and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway

in the state of Nebraska is greater than it is in the state of Kansas and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger fare regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of the said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation, defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or shall make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, good on the railroad issuing the same, and 2000-mile tickets (interchangeable) good upon any railroad in the state of Kansas, giving the railroads of the state to understand by its action and by the action of its representatives in the legislature, and by the action of its representatives in the executive department of the state, that such rates should remain effective for a reasonable length of time, and that if the railroads of the state would accept the provisions of the statute without contest that they would not be called upon to change or alter their rates of passenger fares for a reasonable length of time. And respondent alleges that with such understanding it put the provisions of the law into effect at the time fixed by this honorable Board, and has kept on sale the mileage-books therein provided for at the rates therein fixed; and that notwithstanding the fact that many lawyers of ability in the legislature declared in public speeches that the law providing for mileage-books was unconstitutional, that it refused to raise any constitutional or other question with respect to their legality, and put the mileage-books on sale. And respondent avers that good faith upon the part of the state

and upon the part of the executive of the state who signed the bill, requires that the rates therein provided for should remain in effect for a reasonable length of time. In addition to complying with said law by selling mileage-tickets at the rate of two cents per mile, this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made; therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the pasenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality. And respondent alleges that if fiat two-cent fares are made effective in Kansas it will compel similar reductions in other states and territories adjacent to Kansas, and will also compel the reduction of interstate fares.

"Wherefore this defendant prays that, in justice to it and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

"ANSWER OF THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY.

"The Atchison, Topeka & Santa Fe Railway Company, one of the defendants above named, makes this answer to the allegations of the plaintiff in its complaint:

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within said state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but, on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger rate regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation, defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence; and defendant says that there is no emergency now in existence. . On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or should make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, thereby entering into a contract with the several Kansas railway companies which they accepted and are now carrying out in good faith; that this law is giving good satisfaction to the people of the state of Kansas, and that no complaint by the people of said state has been made respecting the reasonableness of said rate or the justness of said legislation so enacted by their representatives. In addition to complying with said law by selling 500-mile tickets at the rate of two cents per mile this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger-rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made; therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken

with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the passenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people; and the people of Kansas, as before said, have shown by an utter absence of protest or agitation their complete satisfaction with the work of their representatives in the legislature of 1907 respecting passenger rates on railways.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality; that by the legislature of 1907 the people of Kansas, through their representatives, disposed of the question until the next meeting of their representatives, and have, since the adjournment of said legislature, shown no disposition to reopen the subject or shown any dissatisfaction with the work of their representatives then done.

"Wherefore this defendant prays that, in justice to it as a citizen of the state of Kansas and to the many citizens of Kansas and other states who are holders of its securities, the proposed action by the State Board of Railroad Commissioners to fix the passenger rate at two cents per mile be not taken, and that the complaint of the plaintiff be dismissed."

"ANSWER OF THE LEAVENWORTH & TOPEKA RAILWAY COMPANY.

"The Leavenworth & Topeka Railway Company, one of the defendants above named, makes this its answer to the allegations of the plaintiff in its complaint.

"1. That it is a railway corporation duly organized under the laws of the state of Kansas and transacting business within the state as a common carrier of passengers.

"2. It denies that the amount of passenger traffic, or the cost of transportation, or the density of population, or the general topography of the state of Nebraska as to the cost of construction and operation of railways is approximately the same as they are in the state of Kansas; but on the contrary, it alleges that the population per mile of railway in the state of Nebraska is greater than it is in the state of Kansas, and that the cost of transportation in the state of Nebraska is therefore relatively less than in the state of Kansas, and that said so-called emergency rate, if put into effect in Kansas, would be unreasonable and confiscatory.

"3. It admits that in the state of Nebraska an emergency was declared by said state without regard to the reasonableness of the rates charged by railways for the carriage of passengers; but it avers that the unwarranted action of the state of Nebraska in putting in a two-cent passenger fare regardless of whether it was reasonable or not is an insufficient justification for the state of Kansas likewise to act without regard to the reasonableness of said rate.

"4. It admits that the railway companies of the state of Nebraska are litigating in the courts of that state the reasonableness of the rate declared by the legislature of the state of Nebraska and enforced by reason of the emergency declared; but it denies that as to it and the other defendants the same conditions then prevailed or now prevail in the state of Kansas that prevailed in the state of Nebraska and now prevail there. Defendant says that the Kansas Board of Railroad Commissioners is without power to order an emergency rate put into effect without inquiry into the reasonableness thereof. In this relation, defendant further says that if the Board of Railroad Commissioners of the state of Kansas should declare an emergency existing, that would not bring an emergency into existence; and defendant says that there is no emergency in existence now. On the contrary, it avers that if a two-cent passenger rate should be immediately put in force in Kansas, to remain in force contingent upon the outcome of the before-mentioned litigation in Nebraska, and the decision of the courts of Nebraska should hold the two-cent rate unreasonable, then this defendant would be deprived of the earnings which would

be lost in the meantime on its passenger business by reason of the reduction of the rate as proposed and stated in the complaint herein, and that it would be wholly without remedy against the state of Kansas or the Board of Railroad Commissioners of said state for the pecuniary damage so sustained by it.

"5. Defendant denies that the Board of Railroad Commissioners of the state of Kansas should declare that said or any emergency does now exist, or should make or declare any emergency rate, or should order a flat two-cent rate or a passenger rate not exceeding two cents per mile to be enforced within the state of Kansas, or that the order be made imperative as against this defendant or any other railway company within said state, or that said order be effective at as early a date as the emergency declared should warrant.

"6. And further answering, this defendant says that the legislature of the state of Kansas in 1907, after long and careful consideration of various bills to establish a two-cent passenger fare, finally enacted a law leaving the general passenger fare in Kansas at three cents per mile, but requiring the railway companies to sell 500-mile tickets at two cents per mile, thereby entering into a contract with the several Kansas railway companies which they accepted and are now carrying out in good faith; that this law is giving good satisfaction to the people of the state of Kansas, and that no complaint by the people of said state has been made respecting the reasonableness of said rate or the justness of said legislation so enacted by their representatives. In addition to complying with said law by selling 500-mile tickets at the rate of two cents per mile this defendant and the other defendants in Kansas have ever since continued their previous practice of many years' standing to make excursion rates for state and county fairs, expositions, conventions, political gatherings, and so forth, which excursion rates have been and are one and a half cents per mile, and this defendant is continuing to make Sunday popular excursion rates from point to point in Kansas at the rate of three-quarters of a cent per mile; and that it is granting, along with other railways in Kansas, as it has always granted, reduced rates to clergymen, reduced rates on account of charity, as well as reduced passenger rates in all respects heretofore customary. This defendant says that these valuable benefits available to the people of Kansas cannot be enjoyed by the people of Nebraska, nor by the people of other adjacent states in which two-cent passenger-rate laws have been enacted; but that in Nebraska and other states having such laws the two-cent maximum rate is also the minimum rate, and no excursion rates or other reduced rates of any character whatsoever are any longer made. Therefore the citizens of Kansas are in no way situated similarly to the people of Nebraska, and consequently no intelligent or fair action can be taken with respect to Kansas conditions based upon the Nebraska status. The conditions of the two states as to the passenger-rate situation are absolutely dissimilar, and the dissimilarity is decidedly favorable to the state of Kansas and its people; and the people of Kansas, as before said, have shown by an utter absence of protest or agitation their complete satisfaction with the work of their representatives in the legislature of 1907 respecting passenger rates on railways.

"7. And this defendant further says that the proposed action would be illegal and confiscatory, and the demand for the same has arisen out of erroneous assumptions of fact and would be predicated upon conditions which do not exist in reality; that by the legislature of 1907 the people of Kansas, through their representatives, disposed of the question until the next meeting of their representatives and have, since the adjournment of said legislature, shown no disposition to reopen the subject, or shown any dissatisfaction with the work of their representatives then done.

"8. And this defendant, further answering, says that at no time in its history, since the date of its incorporation, has its total receipts for all business, freight, passenger, mail and express, been sufficient to pay

company, and on account of such conditions the erection and maintenance of a crossing at said point over the tracks of the railroad company would cause the railroad company to exercise an unusual and unreasonable degree of care to prevent accidents and would throw an unnecessary burden in that respect upon the railroad company for all the time that the street-railway should be operated thereover; that it is not necessary for the street-railway to cross defendant's tracks at said point.

"2. Defendant further alleges that on the —— day of ———, 1907, said defendant and said plaintiff, through its president and general manager, D. H. Siggins, who was duly authorized as agent of said defendant in relation to the matter, entered into an agreement whereby said plaintiff agreed to sign a certain contract, copy of which is hereto attached as 'Exhibit A,' on the condition that said defendant would allow said plaintiff the right to cross its tracks and right of way at Eldridge street at the point described; and said defendant agreed with said plaintiff through its said president and general manager, D. H. Siggins, that if said plaintiff would execute said contract said plaintiff should have the right and privilege to cross the right of way and tracks of the defendant under the terms of said agreement; that when said agreement was prepared and presented to said plaintiff for signature it refused and now refuses to execute the same. The defendant says that it has been at all times and is now ready and willing to comply with the terms, conditions and stipulations of said agreement so made with the said plaintiff, and is ready and willing to execute with said plaintiff said proposed agreement, copy of which is attached as 'Exhibit A,' and to abide the terms, conditions and stipulations thereof.

"3. Defendant for a third defense denies each and every material allegation, averment, matter and thing in the said application contained.

"Wherefore, the railroad company prays that the application of the traction company to cross the tracks of the railroad company at Eldridge street be denied, or that the order be that the application shall be denied until the traction company shall properly execute and deliver to said railroad company a contract, of which 'Exhibit A' is a copy, and that said crossing shall be made only under and by virtue of the terms of said contract."

Upon the joining of issues, and after due notice to interested parties, the Board met at Coffeyville, Kan., on October 24, 1907, and entered upon a hearing of the merits of the case. During the pendency of such hearing the matters in controversy were adjusted without the necessity of a formal order in the premises.

No. 666.—Filed October 13, 1907.

DISCRIMINATION.

A. C. Johnson *vs.* A. T. & S. F. Rly. Co.

A. C. Johnson, of Upola, Kan., complains that the Atchison, Topeka & Santa Fe Railway Company discriminates against him and in favor of his business competitors in the matter of furnishing cars. To this complaint the respondent company answered as follows:

"Returning enclosures received with your letter of October 18, regarding complaint of Mr. A. C. Johnson, of Upola, on account of not receiving cars.

"I have had this matter carefully checked up, and I find that Mr. Johnson has been receiving his fair share of available equipment. I note he ordered 5 cars on August 1; was furnished 1 August 1, 1 August 5,

1 August 7, and 2 August 9. He ordered 3 cars August 3, 1 of which was furnished August 10, 1 August 13 and 1 August 15. Another 1, ordered on August 3, was furnished August 21, 1 August 23, and 1 August 24. Ordered 1 car August 7; was furnished August 28. Ordered 5 more August 7, which were furnished, 1 September 4, 2 September 5, 1 September 12, and 1 September 13. He ordered 5 August 8, all of which were furnished during September. We furnished him 1 car October 1, 1 October 16, 1 October 26, 1 November 11, and 1 November 14. I notice he states that, under date of November 11, he had ordered 10 cars per day for sixty days, but had not had but 1 car in thirty days. Our records do not show that he ordered 10 cars on any one day. The information above shows what cars he ordered during August and September. You will note also that he loaded in the thirty days prior to October 11 9 cars, an equal number with those loaded by Mr. J. Messner, who is the only other shipper from that station."

Copy of such answer was forwarded to complainants, with the following communication:

"Enclosed herewith find copy of answer of Mr. J. E. Hurley, general manager of the Atchison, Topeka & Santa Fe Railway Company, to your complaint *in re* failure to furnish you cars at Upola, Kan.

"You will kindly note that Mr. Hurley states specifically the number of cars ordered by you and the dates that they were furnished. There has been prevailing throughout the state a general condition of car shortage, and in view of this condition it seems to the Board that you have been accorded very fair treatment at the hands of the respondent company. Your case has been closed on the dockets of the Board."

No. 667.—Filed November 12, 1907.

WIRE CROSSING.

M. K. & T. Rly. Co. *vs.* Home Telephone Co.

The Missouri, Kansas & Texas Railway Company filed a petition alleging that the Home Telephone Company, of Parsons, Kan., neglects and refuses to maintain its wire crossing over complainant's right of way and tracks near "Mackie's Mine" at the standard required by the rules of the Board.

A copy of such complaint, together with the rules of the Board governing the stringing of wires over railroad right of way and tracks, was sent to the respondent, with the request that it advise the Board whether such crossing will be brought to the standard required by such rules, without the necessity of further or formal action in the premises.

The respondent answered that the rules of the Board had been fully complied with, and the case was closed.

No. 668.—Filed November 27, 1907.

RAILROAD CROSSING.

Topeka Northwestern Rly.Co. *vs.* Central Branch (Mo. Pac.) Rly. Co.

The Topeka Northwestern Railroad Company, by N. H. Loomis, its general attorney, filed an application asking an order of the Board granting permission to cross the right of way and tracks of the Central Branch Railway Company at Frankfort, Kan.

A copy of such application was forwarded to the legal department of the respondent company, with the request that it answer thereto under the rules of the Board.

Before the filing of an answer the complainant moved that its application herein be dismissed.

The case was closed and the respondent company advised of the action of the Board in the premises.

No. 669.—Filed November 12, 1907.

EXPRESS SERVICE.

J. J. Greenlee *vs.* Wells-Fargo Express Co.

J. J. Greenlee & Son, of Sterling, Kan., filed a petition asking an order of the Board requiring the Wells-Fargo Express Company to afford Sterling, Kan., express service on Atchison, Topeka & Santa Fe passenger-train No. 5.

To this complaint the respondent company answered as follows:

"Again referring to your esteemed favor of the 4th and complaint from J. J. Greenlee & Son., Sterling, Kan., that we do not accept their shipments of bread for Santa Fe train No. 5 for certain points west of Sterling:

"I have had the superintendent of the Kansas division investigate the matter, and he advises that we have refused to accept perishable shipments from J. J. Greenlee & Sons, Sterling, Kan., for Santa Fe train No. 5, when destined to Alden, Raymond and Speareville, which are flag stops for Santa Fe train No. 5, which cannot very well make the stops for this class of business, when there is another local train, No. 567, which leaves Sterling at 9:15 A. M., or three hours and ten minutes later than No. 5, and makes deliveries as far west as Dodge City by two P. M.

"We have had the matter up with the Santa Fe officials, but they object to stopping their No. 5 at either of the three points mentioned, for bread shipments, when there is local service provided, and I do not know that we can blame them, as their position is well taken."

A copy of such answer was forwarded to the complainant with the following communication:

"The Board is in receipt of answer of Wells-Fargo Express Company to your complaint *in re* its failure to accept express shipments on Santa Fe train No. 5 for certain points west of your station. You will note that the stations for which you desired shipments accepted are flag-stations, and it is on account of this that the express company refuses to accept the shipments. Also note that this train is followed by local train No. 567, which leaves Sterling at 9:15 A. M., three hours and fifteen minutes later, and makes delivery as far west as Dodge City by two P. M. It seems to the Board that in view of the later service afforded you and the fact that Santa Fe train No. 5 is a fast through passenger-train, it would not be warranted in requiring the stopping of such train for the discharge of your shipments of bread."

No. 671.—Filed November 13, 1907.

DISCRIMINATION.

Blaker Lumber and Grain Co. *vs.* St. L. & S. F. Rld. Co.

The Blaker Lumber and Grain Company, of Pleasanton, Kan., allege that the St. Louis & San Francisco tariff No. 1044-A quotes a rate on chats and mine screenings from Galena, Kan., to Paola and Olathe, of four cents per hundred pounds, while a rate of five cents per hundred pounds is quoted to Pleasanton and intermediate points, such quotation of rates operating as a violation of the long- and short-haul clause of the Kansas railroad law.

To this complaint the respondent company answered as follows:

"Replying again to your letter of the 5th instant, respecting the complaint of the Blaker Lumber and Grain Company on rates covering chats and mine screenings from Galena, Kan., to Pleasanton, Kan.:

"Mr. Middleton, our freight-traffic manager, informs me that it is true that our tariff 1044-A quotes a rate of five cents per hundred pounds to Pleasanton, and the rate beyond is four cents. This is the result of an oversight, which will be corrected as soon as possible.

"If anything further is required in this matter, please advise."

A copy of such answer was forwarded to complainant and the case closed.

No. 672.—Filed November 12, 1907.

In the matter of keeping waiting-rooms of depots open for the accommodation of the public after business hours.

The Board issued the following notice to railroad companies operating in Kansas:

"Under section 4 of chapter 268 of the Laws of Kansas of 1907, it is the judgment of the Board of Railroad Commissioners of the state of Kansas that a change in the manner of operating the station-houses of the various railroads in the state of Kansas is necessary in order that the convenience and comfort of the traveling public may be promoted.

"Therefore, you are hereby notified that at all stations in the state of Kansas where no night operator is employed and the schedule of the various passenger-trains make their arrival in the night-time at said stations, that arrangements be made by you or your agent or agents whereby the traveling public may have access to the waiting-room of such station in order that the patrons of your road or roads may avail themselves of the privilege of said waiting-room while awaiting the arrival and departure of said passenger-train. You are further notified that unless this notice is complied with within thirty days from service thereof, a complaint will be forthwith filed against your road or roads by the attorney of the Board, in compliance with section 4 of said chapter 268."

No. 673.—Filed November 5, 1907.

DISTANCE TARIFF RATES.

The State of Kansas, *ex rel.* G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, Plaintiff, *vs.* The Atchison, Topeka & Santa Fe Rly. Co., The Chicago, Burlington & Quincy Rld. Co., The Chicago, Rock Island & Pacific Rly. Co., The Kansas City, Mexico & Orient Rly. Co., The Kansas Southwestern Rly. Co., The Leavenworth & Topeka Rly. Co., The Leavenworth, Kansas & Western Rly. Co., The Missouri, Kansas & Texas Rly. Co., The Missouri Pacific Rly. Co., The St. Joseph & Grand Island Rly. Co., The St. Louis & San Francisco Rld. Co., The Topeka & Northwestern Rld. Co., The Union Pacific Rld. Co., Defendants.

G. F. Grattan, attorney for the Board of Railroad Commissioners, filed the following complaint:

"The undersigned complainant, as attorney for the Board of Railroad Commissioners of the state of Kansas, pursuant to the authority conferred and the duty made by the statutes of the state of Kansas, and by virtue of notice to the undersigned as such attorney received from the Board of Railroad Commissioners of the state of Kansas, make this complaint and say:

"That the defendants above named are each a railway corporation duly incorporated and existing under the law, and that each is a railway company transacting freight business within the state of Kansas as common carriers of freight.

"And complainant does allege and state that the railroad freight schedules, rates, tariffs, charges and classifications, and rules and regulations affecting and concerning the same, established and put into effect within the state of Kansas by the defendants and each of them, are not reasonable and just, but are within the state of Kansas unreasonable and unjust and discriminative, and violative of the laws of the state of Kansas; and that each and all of said schedules, rates, tariffs, charges and classifications, and rules and regulations affecting and concerning the same, should by the Board of Railroad Commissioners of the state of Kansas be altered, amended, and changed, and investigated by the Board in the manner prescribed by the statutes; and that such said railroad freight schedules, rates, tariffs, charges and classifications and such rules and regulations should be made reasonable and just; and such amended, altered and changed or new schedules, classifications, rates, tariffs, charges and classifications, and rules and regulations affecting and concerning the same, should be by the Board made reasonable and just, and should be put into effect by the defendants and each of them.

"And the printed matter marked 'Exhibit A' is attached hereto and fully made a part hereof as if written herein; and the said complainant alleges and states that the matter in said 'Exhibit A' set forth is reasonable and just, and that the Board of Railroad Commissioners should investigate all of the same and give such notice in the premises as required by the statutes in such cases made and provided in the statutes governing in the premises.

"Wherefore, the state of Kansas, on the relation of the attorney for the Board of Railroad Commissioners of the state of Kansas, prays that the Board shall forthwith notify the said defendants and each of them complained against of the filing of this complaint, and deliver to each of them a copy of said complaint, as required by the statutes, and that unless the matters complained of are rectified within the time fixed by the statute that the Board will consider such complaint at a time to be fixed by the Board in the manner and within the time fixed by the statutes, and

that upon such hearing and after the joining of issues in the premises that the Board shall make such order in relation to all of the same as may be warranted by the testimony and the evidence adduced at the hearing thereof, and that after giving and having a full hearing upon the matters set forth in this complaint that the Board thereafter find, determine, prescribe and order what will be the just and reasonable railroad freight schedules, rates, tariffs, charges and classifications, and rules and regulations, to be thereafter made and observed in such cases in respect to the matters involved as will be just, fair and reasonable, and what should thereafter be made and followed by the defendants and each of them in the premises; and that the Board shall make such other and further orders in respect to the matters involved as will be just, fair and reasonable in the premises."

Copies of such complaint were forwarded to the legal departments of the respondent companies with the following notice:

"Enclosed herewith find copy of petition or complaint filed with the Board by G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, alleging certain matter in said complaint against your company and others.

"This is to notify you that unless such matters complained of in said petition or complaint is rectified within ten days from the date of service of this notice, the said Board will consider such complaint on Wednesday, November 27, 1907, ten o'clock A. M., at its office, in the state-house.

"Should your company conclude not to rectify such matter within ten days from the date of service of this notice, you are hereby required to file the answer of your company to said petition within eleven days from the date of receipt of this notice."

To this complaint and notice of the Board, the respondent companies severally answered as follows:

"ANSWER OF THE ATCHISON, TOPEKA & SANTA FE.

"And now comes the Atchison, Topeka & Santa Fe Railway Company, and, objecting to the jurisdiction of the Board of Railroad Commissioners of the state of Kansas to proceed or to act on the matters and things charged and complained of in the petition herein, and objecting that G. F. Grattan, attorney for the Board of Railroad Commissioners, has any power or authority to act or proceed concerning the matters and things complained of in the petition herein, states:

"1. That it denies each and every allegation, averment and statement in the plaintiff's petition contained, except such as are hereinafter specifically admitted.

"2. Defendant admits that it was and is a railway corporation duly existing and incorporated under the laws of the state of Kansas and is transacting and performing the functions of a common carrier.

"3. Further answering, this defendant, the Atchison, Topeka & Santa Fe Railway Company, especially denies that the freight schedules, rates, tariffs, charges and classifications, and rules and regulations affecting and concerning the same, established by this defendant and put into and now in effect within the state of Kansas on and over its lines of railway are not reasonable and just; and denies that said charges, tariffs and classifications are unreasonable, discriminative and violative of the laws of the state of Kansas.

"4. And defendant, further answering, avers that the proposed rates set forth and contained in 'Exhibit A' attached to the plaintiff's petition, entitled 'Reasonable Maximum Freight Rates on Classes and Commodities, and Jobbers' and Differential Rates,' would, if put into effect, be unreasonable, unjust, oppressive, unlawful and discriminative, and the adoption of said rates, if applied to the traffic handled by this defendant

over its lines in the state of Kansas, would sacrifice and impair its revenues to such an extent as to render such traffic entirely unprofitable, and force this defendant, in its capacity as a common carrier, to render its service as such without due compensation, and that the promulgation and adoption of the rates set forth in 'Exhibit A' to the petition would be a violation of that part of the fourteenth amendment of the constitution of the United States which ordains that no state shall deprive any person of his property without due process of law.

"5. Defendant, further answering, avers and charges the fact to be that the adoption of the proposed schedule of rates set out and contained in 'Exhibit A' attached to the petition would be unreasonable, unjust, oppressive, unlawful and discriminative, and destructive of the defendant's business in the state of Kansas, and in violation of the constitution of the United States and of the laws of the state of Kansas.

"Wherefore, this defendant prays that the relief asked for by the plaintiff may be denied and the petition dismissed."

"ANSWER OF CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.

"Chicago, Burlington & Quincy Railroad Company, one of the defendants in the above-entitled proceeding, for its answer to the petition above named says, that it admits that it is a railroad duly incorporated and existing under the law and that it is transacting freight business within the state of Kansas as a common carrier of freight.

"Further answering, this defendant denies that the freight schedules, rates, tariffs, charges, classifications, rules and regulations affecting the same, as established by it in transacting its business within the state of Kansas are unreasonable and unjust and that they are of a discriminatory character or in any way violative of the laws of the state of Kansas, but this defendant alleges and avers the fact to be that all and each of its freight schedules, rates, tariffs, charges, classifications, rules and regulations with reference to the transportation by it of freight within the state of Kansas are just and reasonable.

"Further answering, this defendant denies that the rates set forth in 'Exhibit A' referred to in said petition are reasonable or just, but avers and states the fact to be that said rates so set forth in said 'Exhibit A' are unreasonable, unjust and non-compensatory, should they be put into effect.

"This defendant, further answering, avers that its existing rates on all and each of the commodities in said 'Exhibit A' set out are unprofitable and not compensatory, and that its business carried on and over its lines within the state of Kansas is unprofitable under said existing rates, and that to further reduce said existing rates would compel this defendant to do business within said state at a loss, and that any reduction in said rates will be in effect the taking of its property for a public purpose without due process of law and without compensation, and that the proposed reduction in rates and the changes in classification will amount to the confiscation of this defendant's property within the state of Kansas.

"This defendant, further answering, says that the present procedure is without authority of law and is void.

"Wherefore, this defendant prays that this complaint be dismissed."

"SEPARATE ANSWER OF THE DEFENDANT THE ST. JOSEPH & GRAND ISLAND RAILWAY COMPANY.

"Comes now the St. Joseph & Grand Island Railway Company, one of the above-named defendants, and for its separate answer to the petition of G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, states that it is a railway corporation duly incorporated and existing under the law, and that it is engaged in transacting freight business within the state of Kansas as a common carrier of freight.

"Further answering, this defendant denies that the railroad freight

schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, established and put into effect in the state of Kansas by it, are unreasonable and unjust; it denies that they are discriminative and violative of the laws of the state of Kansas, and denies that each of said schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, or any of them, should by the Board of Railroad Commissioners of the state of Kansas be altered, amended or changed; it denies that the schedules, rates, tariffs, charges, classifications, rules and regulations contained in 'Exhibit A' attached to plaintiff's petition are reasonable and just, but on the contrary it alleges that the same are unreasonable, unjust and confiscatory, and that if put into effect will deprive this defendant of its property without due process of law; that they will also interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce business into, out of and through the state of Kansas.

"It further denies each and every allegation in said petition contained not herein specifically admitted.

"It further alleges that the rate charged by it for the carriage of freight wholly within the state of Kansas, as well as the classifications, rules and regulations affecting the carriage of traffic within said state, are just and reasonable and should not be disturbed.

"Wherefore, said defendant prays that the petition of plaintiff be dismissed."

"ANSWER OF UNION PACIFIC RAILROAD COMPANY.

"Comes now said defendant, and for its answer to the petition of G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, alleges:

"It admits that it is a railway corporation duly incorporated and existing under the law, and that it is engaged in transacting freight business within the state of Kansas as a common carrier of freight. Defendant denies that the railroad freight schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, established and put into effect in the state of Kansas by it, are unreasonable and unjust; it denies that they are discriminative and violate the laws of the state of Kansas, and denies that each of said schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, or any of them, should by the Board of Railroad Commissioners of the state of Kansas be altered, amended and changed; it denies that the schedules, rates, tariffs, charges, classifications, rules and regulations contained in 'Exhibit A' to plaintiff's petition are reasonable and just, but on the contrary alleges that the same are unreasonable, unjust and confiscatory, and if put into effect will deprive defendant of its property without due process of law; that they will also interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into, out of and through the state of Kansas.

"Defendant further denies each and every allegation contained in said petition not herein admitted.

"Defendant further alleges that the rates charged by it for the carriage of freight wholly within the state of Kansas, as well as the classifications, rules and regulations affecting the carriage of traffic within said state, are just and reasonable and should not be disturbed.

"Wherefore, said defendant prays that the petition of plaintiff may be dismissed."

"ANSWER OF THE TOPEKA NORTHWESTERN RAILROAD COMPANY.

"Comes now said defendant, and for its answer to the petition of G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, alleges:

"It admits that it is a railway corporation duly incorporated and existing under the law, and that it is engaged in transacting freight business within the state of Kansas as a common carrier of freight. De-

fendant denies that the railroad freight schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, established and put into effect in the state of Kansas by it, are unreasonable and unjust; it denies that they are discriminative and violate the laws of the state of Kansas, and denies that each of said schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, or any of them, should by the Board of Railroad Commissioners of the state of Kansas be altered, amended and changed; it denies that the schedules, rates, tariffs, charges, classifications, rules and regulations contained in 'Exhibit A' to plaintiff's petition are reasonable and just, but on the contrary alleges that the same are unreasonable, unjust and confiscatory, and if put into effect will deprive defendant of its property without due process of law; that they will also interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into, out of and through the state of Kansas.

"Defendant further denies each and every allegation contained in said petition not herein admitted.

"Defendant further alleges that the rates charged by it for the carriage of freight wholly within the state of Kansas, as well as the classifications, rules and regulations affecting the carriage of traffic within said state, are just and reasonable and should not be disturbed.

"Wherefore, said defendant prays that the petition of plaintiff be dismissed."

"ANSWER OF THE KANSAS SOUTHWESTERN RAILWAY COMPANY.

"And now comes the Kansas Southwestern Railway Company, and, objecting to the jurisdiction of the Board of Railroad Commissioners of the state of Kansas to proceed or to act on the matters and things charged and complained of in the petition herein, and objecting that G. F. Grattan, attorney for the Board of Railroad Commissioners, has any power or authority to act or proceed concerning the matters and things complained of in the petition herein, states:

"1. That it denies each and every allegation, averment and statement in the plaintiff's petition contained, except such as are hereinafter specifically admitted.

"2. Defendant admits that it was and is a railway corporation duly existing and incorporated under the laws of the state of Kansas, and is transacting a freight business within the state of Kansas and performing the functions of a common carrier.

"3. Further answering, this defendant, the Kansas Southwestern Railway Company, especially denies that the freight schedules, rates, tariffs, charges and classifications, and rules and regulations affecting and concerning the same, established by this defendant and put into and now in effect within the state of Kansas on and over its lines of railway, are not reasonable and just, and denies that said charges, tariffs and classifications are unreasonable, discriminative and violative of the laws of the state of Kansas.

"4. And defendant, further answering, avers that the proposed rates set forth and contained in 'Exhibit A' attached to the plaintiff's petition, entitled 'Reasonable Maximum Freight Rates on Classes and Commodities, and Jobbers' and Differential Rates,' would, if put into effect, be unreasonable, unjust, oppressive, unlawful and discriminative, and the adoption of said rates, if applied to the traffic handled by this defendant over its lines in the state of Kansas, would sacrifice and impair its revenues to such an extent as to render such traffic entirely unprofitable, and force this defendant, in its capacity as a common carrier, to render its service as such without due compensation, and that the promulgation and adoption of the rates set forth in 'Exhibit A' to the petition would be a violation of that part of the fourteenth amendment of the constitution of the United States which ordains that no state shall deprive any person of his property without due process of law.

"5. Defendant, further answering, avers and charges the fact to be that the adoption of the proposed schedule of rates set out and contained in 'Exhibit A' attached to the petition would be unreasonable, unjust, oppressive, unlawful and discriminative, and destructive of the defendant's business in the state of Kansas, and in violation of the constitution of the United States and of the laws of the state of Kansas.

"6. Defendant further states that the proposed freight tariffs marked 'Exhibit A' to the petition will also interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into and out of and through the state of Kansas.

"Wherefore, this defendant prays that the relief asked for by the plaintiff may be denied and the petition dismissed."

"ANSWER OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY.

"Comes now the St. Louis & San Francisco Railroad Company, and for answer to the petition of G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, filed in the above proceeding, states:

"1. It is a railway corporation duly incorporated under the law, and is and for many years last past has been transacting freight business within the state of Kansas as a common carrier of freight.

"2. That the railroad freight schedules, rates, tariffs, charges and classifications, and rules and regulations affecting the same and established and put into effect within the state of Kansas by this defendant company, are each and all in all respects reasonable and just, and in no case are they discriminative or violative of the laws of said state, and that no reason now exists why the same or any part thereof should be by this Board altered, amended or changed.

"3. That the freight schedules, rates, tariffs, charges and classifications, and rules and regulations affecting the same, set forth and contained in 'Exhibit A' attached to said petition, if established and put into effect within the state of Kansas by this Board, would each, every and all be unreasonable and unjust, and would have the effect to prevent this defendant from receiving a fair and reasonable compensation for performing the service or any of the services specified in said 'Exhibit A,' and would have the effect of depriving this defendant of its property without just compensation.

"4. That this defendant stands ready, on reasonable time being given it for that purpose, to show to this Board that the several freight rates, charges, tariffs and classifications specified in said 'Exhibit A' are unreasonable and unjust and confiscatory in their effect.

"Now this defendant protests against the said matter set forth in said 'Exhibit A' being put into effect by this Board."

"SEPARATE ANSWER OF THE DEFENDANT THE MISSOURI PACIFIC RAILWAY COMPANY.

"Now comes the above-named defendant, the Missouri Pacific Railway Company, and, for its answer to the complaint filed by the complainant herein, says:

"1. That it denies each and every statement, averment and allegation in said complaint contained, except such as are hereinafter expressly admitted and confessed.

"2. For further answer, this defendant avers that the said honorable Board of Railroad Commissioners of the state of Kansas has no power, jurisdiction or authority to hear, try or determine the subject-matter of said complaint, or to make any order in the premises, for the reason that the supreme court of the state of Kansas has decided, in the case of The State of Kansas, *ex rel.* Carr W. Taylor, etc., against the Missouri Pacific Railway Company, that the act creating the Board of Railroad Commissioners of Kansas does not attempt to delegate to the Board any legislative power or authority, and that the only power and au-

thority which said Board has under the laws of the state of Kansas is an administrative power, and the fixing and establishing of a schedule of rates being a legislative power it is beyond the control and jurisdiction of the Board.

"3. For further answer, this defendant says that the proposed new schedule of rates will interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into, out of and through the state of Kansas, and will necessarily compel the said defendant to readjust all of its interstate rates, charges, classifications, rules and regulations, as affecting interstate commerce.

"4. For further answer, this defendant says that the proposed freight schedule, rates, tariffs, charges, classifications, rules and regulations are unreasonable and unjust; that they are a discrimination, and violative of the laws of the state of Kansas, and to enforce the same would deprive the said defendant without due process of law, and deny to it the equal protection of the law, and be in violation of the constitution and laws of the United States, and therefore absolutely void and inoperative.

"5. For further answer, this defendant says that the Missouri Pacific Railway Company is an interstate carrier, operating a line of railroad from the city of St. Louis, in the state of Missouri, westwardly into and through the state of Kansas to the city of Pueblo, in the state of Colorado, and from Kansas City, in the state of Missouri, through said states of Missouri and Kansas northwesterly into and through the state of Nebraska to the city of Omaha, in said state of Nebraska; that the said Board of Railroad Commissioners has no power, jurisdiction or authority in the premises without interfering with, or controlling and supervising, the schedule of rates put into effect by the said defendant company under the authorization of the Interstate Commerce Commission, which, under the act to regulate commerce between the states, has exclusive power and jurisdiction in the premises.

"6. For further answer, this defendant says that the said proposed schedule of rates, in connection with all other rates now in force in the state of Kansas, would not afford to the said defendant reasonable compensation for the services performed in said state of Kansas, and its enforcement would be confiscatory, unjust and unreasonable, and in violation of the constitution of the United States, and would in fact deprive the said defendant of its property and revenues without just compensation, and deny to it the equal protection of the law.

"Wherefore, this defendant prays that said complaint may be dismissed."

"ANSWER OF THE LEAVENWORTH & TOPEKA RAILWAY COMPANY.

"And now comes the Leavenworth & Topeka Railway Company, and, objecting to the jurisdiction of the Board of Railroad Commissioners of the state of Kansas to proceed or to act on the matters and things charged and complained of in the petition herein, and objecting that G. F. Grattan, attorney for the Board of Railroad Commissioners, has any power or authority to act or proceed concerning the matters and things complained of in the petition herein, states:

"1. That it denies each and every allegation, averment and statement in the plaintiff's petition contained, except such as are hereinafter specifically admitted.

"2. Defendant admits that it was and is a railway corporation duly existing and incorporated under the laws of the state of Kansas, and is transacting a freight business within the state of Kansas and performing the functions of a common carrier.

"3. Further answering, this defendant, the Leavenworth & Topeka Railway Company, especially denies that the freight schedules, rates, tariffs, charges and classifications, and rules and regulations affecting and concerning the same, established by this defendant and put into and now in effect within the state of Kansas on and over its line of railway,

are not reasonable and just, and denies that said charges, tariffs and classifications are unreasonable, discriminative and violative of the laws of the state of Kansas.

"4. And defendant, further answering, avers that the proposed rates set forth and contained in 'Exhibit A' attached to the plaintiff's petition, entitled 'Reasonable Maximum Freight Rates on Classes and Commodities, and Jobbers' and Differential Rates,' would, if put into effect, be unreasonable, unjust, oppressive, unlawful and discriminative, and the adoption of said rates, if applied to the traffic handled by this defendant over its lines in the state of Kansas, would sacrifice and impair its revenues to such an extent as to render such traffic entirely unprofitable, and force this defendant, in its capacity as a common carrier, to render its service as such without due compensation; and that the promulgation and adoption of the rates set forth in 'Exhibit A' to the petition would be a violation of that part of the fourteenth amendment of the constitution of the United States which ordains that no state shall deprive any person of his property without due process of law.

"5. Defendant, further answering, avers and charges the fact to be that the adoption of the proposed schedule of rates set out and contained in 'Exhibit A' attached to the petition would be unreasonable, unjust, oppressive, unlawful and discriminative, and destructive of the defendant's business in the state of Kansas, and in violation of the constitution of the United States and of the laws of the state of Kansas.

"6. Defendant further states that the proposed freight tariffs marked 'Exhibit A' to the petition will also interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into and out of and through the state of Kansas.

"Wherefore, this defendant prays that the relief asked for by the plaintiff may be denied and the petition dismissed."

"ANSWER OF THE LEAVENWORTH, KANSAS & WESTERN RAILWAY COMPANY.

"Comes now said defendant, and for its answer to the petition of G. F. Grattan, attorney for the Board of Railroad Commissioners of the state of Kansas, alleges:

"It admits that it is a railway corporation duly incorporated and existing under the law, and that it is engaged in transacting freight business within the state of Kansas as a common carrier of freight. Defendant denies that the railroad freight schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, established and put into effect in the state of Kansas by it, are unreasonable and unjust; it denies that they are discriminative and violative of the laws of the state of Kansas, and denies that each of said schedules, rates, tariffs, charges, classifications, rules and regulations affecting and concerning the same, or any of them, should by the Board of Railroad Commissioners of the state of Kansas be altered, amended and changed; it denies that the schedules, rates, tariffs, charges, classifications, rules and regulations contained in 'Exhibit A' to plaintiff's petition are reasonable and just, but on the contrary that the same are unreasonable, unjust and confiscatory, and if put into effect will deprive defendant of its property without due process of law; that they will also interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into, out of and through the state of Kansas.

"Defendant further denies each and every allegation contained in said petition not herein admitted.

"Defendant further alleges that the rates charged by it for the carriage of freight wholly within the state of Kansas, as well as the classifications, rules and regulations affecting the carriage of traffic within said state, are just and reasonable and should not be disturbed.

"Wherefore, said defendant prays that the petition of plaintiff may be dismissed."

"SEPARATE ANSWER OF THE DEFENDANT THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY.

"Comes now the above-named defendant, the Chicago, Rock Island & Pacific Railway Company, and for its separate answer to the complaint in the above-entitled cause denies all and singular the allegations thereof.

"Having fully answered, this defendant asks that said complaint be dismissed."

"ANSWER OF THE MISSOURI, KANSAS & TEXAS RAILWAY COMPANY.

"Comes now the defendant, the Missouri, Kansas & Texas Railway Company, and for its separate answer to the petition of the plaintiff says:

"It admits that it is a railway corporation, organized and existing under the laws of Kansas, and that it is engaged in business as a common carrier of freight, and denies each and every other allegation and averment in said petition contained.

"2. Further answering, this defendant alleges that the schedule of rates, tariffs, charges, classifications, rules and regulations contained in 'Exhibit A' attached to plaintiff's petition are unreasonable, unjust and confiscatory, and if put into effect will deprive defendant of its property without due process of law, and that they will materially and substantially interfere with the rates, charges, classifications, rules and regulations affecting interstate commerce passing into, out of and through the state of Kansas over this defendant's line of railway, in which interstate commerce this defendant is engaged.

"Wherefore, this defendant prays that the petition of plaintiff be dismissed."

Upon the joining of issues, and after due hearing in the premises, the Board made the following findings and order:

"Upon the filing of the complaint herein, each of the said defendants was duly notified of the filing of the complaint by delivering to the general attorney of each of said defendants a copy of the complaint, and notified that unless the matters complained of were rectified within ten days from the date of service of such notice the Board would consider such complaint on November 27, 1907, at ten o'clock A. M., at its office, in the state-house. And thereafter each of the defendants duly made answer in writing. And by consent of the complainant and all the defendants the hearing was continued to January 27, 1908, at ten o'clock A. M. And on January 27, 1908, at ten o'clock A. M., the defendants, by their attorneys and representatives and traffic men, appeared, and the complainant offered its evidence in support of the complaint; and thereupon the defendants for good cause appearing asked that the further hearing be continued until February 11, 1908, at ten o'clock A. M., and the same was granted. And on February 11, 1908, at ten o'clock A. M., the complainants and defendants as aforesaid appeared before the Board, pursuant to continuance, and neither of the defendants offered any evidence. And the hearing was submitted to the Board, and thereupon the Board took the same under advisement until February —, 1908, at ten o'clock A. M., for final consideration of the complaint.

"And the Board finds that the railroad freight schedules, rates and tariffs, charges and classifications, and rules and regulations affecting and concerning the same, established and put into effect within the state of Kansas by the defendants, and each of them, are not reasonable and just, but are within the state of Kansas unreasonable and unjust and discriminative, and violative of the laws of the state of Kansas, and that each and all of the same should be altered, amended and changed and made reasonable and just, and not discriminative, and should not remain in force within the state of Kansas.

"And the Board finds and determines that the 'Reasonable Maximum Freight Rates on Classes and Commodities, and Jobbers' and Differential

Rates' for the state of Kansas, shown in 'Exhibit A' attached hereto and made a part hereof as fully as if written herein, are just and reasonable rates and charges, and also that the rules, regulations, classifications and practices set forth in said 'Exhibit A' in respect to the same are just, fair and reasonable, and all of the same as set forth and shown in said 'Exhibit A' should be made and followed within the state of Kansas by the defendants and each of them, and should be effective from and after April 1, 1908, within the state of Kansas.

"And it is further prescribed and ordered by the Board of Railroad Commissioners that the said defendants be, and they are hereby, notified and required to establish and put in force within the state of Kansas on and after April 1, 1908, rates and charges not to exceed the 'Reasonable Maximum Freight Rates on Classes and Commodities, and Jobbers' and Differential Rates' for the state of Kansas, and the rules and regulations, classifications and practices relating thereto as set forth and shown in said 'Exhibit A' hereinbefore shown, and maintain all of the same in force within the state of Kansas from and after April 1, 1908, until lawfully otherwise ordered."

Appeal was taken from the above order of the Board to the United States circuit court for the district of Kansas, first division.

No. 674.—Filed November 13, 1907.

IMPROPER CLASSIFICATION.

Davidson & Co. *vs.* Union Pacific Rld. Co.

Davidson & Co., of Glasco, Kan., filed a petition with the Board, alleging that the Union Pacific Railroad Company improperly classified a shipment of casing and tools, with the result that said company was subjected to an overcharge on such shipment.

A copy of such complaint was forwarded to the legal department of the respondent company, and it answered as follows:

"Referring to your letter of November 16, and returning letter from Davidson & Co. to yourselves:

"We have been to some delay in investigating this matter, but are advised by our traveling freight agent, whom we sent to Glasco to inspect this shipment, that same consisted practically of scrap-iron, useless for any other purpose.

"We will to-day authorize our agent at Glasco to reduce his charges on this shipment to basis of 12 cents per cwt., which is the scrap-iron rate on shipment in question.

"Trust this will satisfy the consignees, Davidson & Co."

A copy of such answer was transmitted to complainant and the case closed.

No. 675.—Filed November 24, 1907.

EXPRESS SERVICE.

Belleville Commercial Club *vs.* United States Express Co. and Pacific Express Co.

The Belleville Commercial Club filed a complaint asking the Board to require the United States Express Company and the Pacific Express Company to establish free delivery service at such city.

To this complaint the respondent companies answered as follows:

"ANSWER OF PACIFIC EXPRESS COMPANY.

"In answer to the complaint of the Commercial Club, of Belleville, Kan., praying that your honorable Board order Pacific Express Company and United States Express Company to establish a free delivery of express shipments received at that city, for the Pacific Express Company I will say we have no means of knowing the earnings of the United States Express Company at that point, but the Pacific Express Company's earnings at Belleville will not warrant the additional expense such a service as petitioners demand would entail. The cash proceeds of this office from January 1, 1907, to November 30, 1907, averaged $73.07 per month. Fully seventy-five per cent. of this revenue is required in the payment of transportation and terminal expenses, which leaves but twenty-five per cent. to cover taxes, line expenses, loss and damage, auditing, stationery and expenses of administration.

"If your Board should order free wagon service established, it would not only be confiscatory, in that it would take the net revenue, but would actually require us to operate at that point at a loss. In plaintiff's petition it is stated that it costs the business men of the city $75 to $85 per month to pay local delivery charges; yet the petitioners say the delivery can be made by the express companies at from $40 to $45 per month, if a combination should be made. It is a well-known fact that a transportation company cannot secure any kind of service at as low a cost as the individual or business man. I would respectfully request that your Board inform the complainant in this case that investigation develops that business of the defendant will not warrant the expense."

"ANSWER OF THE UNITED STATES EXPRESS COMPANY.

"Yours of November 26, 1907, addressed to Mr. George H. Jones, agent United States Express Company, Topeka, Kan., enclosing a complaint signed by Mr. A. Q. Miller, secretary Belleville Commercial Club, of Belleville, Kan., has been referred to me, and I respectfully beg leave to submit the following reply:

"The total business of the United States Express Company at Belleville, January to October, inclusive, has averaged $583 per month. It should be understood that this amount of business is counted twice, once at each end of the transportation; in other words, such portion of it as originates at or is destined to Chicago, Kansas City or any other point counts at such point in making up totals the same as it counts at Belleville. It follows that to arrive at the correct proportion to be credited to Belleville office we must take one-half of $583, which gives us $292, approximately, to be credited to the Belleville end of the line.

"The cost of railroad transportation on $292 business and the cost of handling the business of Belleville proper was $280, leaving a balance of $11. This does not include the expense of transfer from one train to another; that is to say, in addition to the expense named we pay two men $40 each for the transfer of such business passing Belleville as it may be necessary to handle from one car to another at that point, and if what business we are now transferring at Belleville could be entirely cut off it would be impossible, in view of the train service, to handle

Belleville proper business for less expense than the figures I have named. Further, the figures named do not include cost of rent, taxes on business and personal property, loss and damage, stationery, messenger service and general office and line expenses.

"In correspondence with Mr. Miller I said to him that while any expense for free delivery at Belleville would be an actual loss to the company, as the net earnings on Belleville business would not admit of a dollar additional expense, we would be disposed to make an allowance of about $10 per month if we could have the service performed for that amount, but that the lowest bid we had been able to get was $40.

"Mr. Miller has stated in his letter to your honorable Board that one company has agreed to install free service if the other company would prorate the expense with it. The United States Express Company has not made any such proposition and no such proposition has been made to it. In event of such a proposition being made we could not entertain it, for the reason that, as stated, the best offer we could get for furnishing drayage for this company alone was $40 and we cannot pay anywhere near that sum.

"I hand you herewith a letter which I received from Mr. Miller, under date of September 23, 1907. The spirit and disposition shown does not require comment on my part. The letter speaks for itself."

Copies of such answers were forwarded to the complainant, with the following communication:

"With further reference to your complaint *in re* establishment of free delivery service, beg to advise you that the Board is in receipt of answers from the respondent companies, copies of which are herewith enclosed for your information. You will kindly note the allegation as to the cash proceeds accruing to the companies from business accorded them at your station.

"If you feel that you can make a showing of a sufficient amount of business to warrant the Board in ordering the respondent companies to grant the desired relief and will file your reply to these answers, the Board will set the case for hearing."

June 30, 1908, no reply having been received, the case was closed.

No. 676.—Filed November 23, 1907.

WAITING-ROOM FACILITIES.

J. E. Burnap *vs.* C. R. I. & P. Rly. Co.

J. E. Burnap filed a petition alleging that the night agent and operator of the Chicago, Rock Island & Pacific Company at Clayton, Kan., fails and refuses to keep a fire in the waiting-room and admits a favored few into the private office of said depot, both night and day, leaving the traveling public and others to stay in the cold.

To this complaint the respondent company answered as follows:

"Replying to your recent communication respecting facilities furnished by this company at its station at Clayton, Kan., the complaint being that the station was not kept open in a suitable manner, and that certain favored individuals were allowed to enter the offices of the company. So far as my investigation shows there is absolutely no truth in their statement. The agent at Clayton is an old and responsible employee of this company. Clayton is both a day and night station. During inclement weather fires are kept burning both night and day, and aside from two or three hotel porters who have been ordered from the waiting-room because they refused to discontinue card games, and for other un-

seemly conduct, there has been no complaint, so far as I have been able to ascertain. If there is any question about the matter, it might be set down for hearing and the matter cleared up."

A copy of such answer was forwarded to complainant with the statement:

"Kindly note the statement of the company that this service is now afforded your people, and that during inclement weather fires are kept burning both night and day and the waiting-room open for the benefit of the public, except as to two or three hotel porters who have been ordered from the waiting-room because they refuse to discontinue card games and for other unseemly conduct. The efforts of the Board have been along the line of encouraging railroad companies to maintain orderly waiting-rooms, that they may be of service to ladies as well as men, and any action taken by the railroad companies to secure this result has the approval of the Board."

No. 677.—Filed November 23, 1907.

DISCRIMINATION.

Mayer Coal Co. *vs.* M. K. & T. Rly. Co.

The Mayer Coal Company filed a petition alleging that the Missouri, Kansas & Texas Railway Company discriminates against it and in favor of its business competitors in the matter of furnishing cars for coal shipments.

To this complaint the respondent answered as follows:

"Comes now the Missouri, Kansas & Texas Railway Company, respondent herein, and for its answer and defense to the petition or complaint of the plaintiff herein alleges and shows:

"1. That it denies each and every material allegation in said petition or complaint contained, except as the same may be hereinafter specially admitted or pleaded.

"2. There is not now, and there has not been during the time stated in the petition, such a corporation as the Southwestern Development Company; that on the 14th day of April, 1906, the same was merged into the Missouri, Kansas & Texas Railway Company coal department, which railway company owns and operates mines in and around Mineral, in Cherokee county, Kansas, for the purpose of supplying fuel for the use and operation of said railway; that said coal department of the Missouri, Kansas & Texas Railway Company is in charge of and under control of J. H. Hibben, fuel agent; that said railway company uses and consumes a large amount of coal, and it is necessary for it in meeting the wants of and demands of the public as a common carrier to be fully equipped in coal supply, and it is necessary for said company in doing so to keep its coal-cars used in the transmittal of coal upon its own system as much as possible for its own protection, and it must necessarily use a large number of cars in and around its mines at Mineral, Kan., for the purpose of carrying its coal to meet its wants and requirements.

"3. The Missouri, Kansas & Texas Railway Company has at no time discriminated against the Mayer Coal Company in the furnishing of cars, but has furnished the same as promptly as it could to meet the demands of said Mayer Coal Company, and if there has been any failure in placing cars for the Mayer Coal Company within the times of its request or demands, it has been wholly because of the fact that the company could not immediately place cars without discriminating against some of its other customers, but has met the demands as completely as possible, considering the limited number of cars at its service, and this without any

discrimination as against the Mayer Coal Company or any of the other patrons of said railway company, and has endeavored to place cars upon demand in accordance with priorities of demands, and so distributed cars as to best meet the wants of shippers, without any discrimination.

"4. That said railway company, upon the written demands and requests of the Mayer Coal Company from time to time, has set out cars for its use, but the said Mayer Coal Company has insisted upon a certain kind of cars and refused to accept any other, and at a time when the railway company was endeavoring to meet the demands of its trade in the way of furnishing of cars, and furnished to said Mayer Coal Company cars and facilities ample to meet its wants and needs in the transportation of its coal, but said company repeatedly refused to accept said cars upon being furnished upon written or oral demand, and the superintendent of mines of the Mayer Coal Company when such cars were furnished has refused to load the same; that repeatedly upon request of the Mayer Coal Company a sufficient number of covered cars have been furnished at their mines.

"Wherefore, your respondent herein prays that the plaintiff take nothing by its petition, and that it be ordered that the petitioner has no cause of action against the Missouri, Kansas & Texas Railway Company for discrimination."

A copy of such answer was forwarded to complainant, with statement that upon receipt of reply thereto the case would be set for hearing.

On January 12, 1908, upon application of the complainant, this action was dismissed.

No. 678.—Filed November 23, 1907.

NIGHT AGENT.

Chas. F. Scott *vs.* M. K. & T. Rly. Co.

Chas F. Scott, of Iola, Kan., filed the following complaint:

"In my home county of Allen are two towns of about the same size, and only three miles apart, on the line of the Missouri, Kansas & Texas railway, one called Elsmore and the other Savonburg. The railroad company does not maintain a night agent at Elsmore but does at Savonburg. This is given as a reason, I believe, why mail coming on the night trains for Elsmore is carried on to Savonburg and does not reach Elsmore until returned the next afternoon. To speak concretely, the Iola *Daily Register*, which is an evening paper and ought to be dropped off at Elsmore at midnight of the day of publication ready for distribution by rural mail carriers on the next morning, is carried by to Savonburg and does not get back to Elsmore until the rural carriers have started. It thus reaches its subscribers about thirty-six hours after it is published, although most of them live within twenty miles of the publication office.

"I do not know whether this is a matter that you can remedy or not. It simply occurs to me that you might require the railroad company to render better service than they are now doing. If you can I shall greatly appreciate it."

To this complaint the respondent company answered as follows:

"Industrial condition of this road, as well as other roads in Kansas, has been seriously affected, and we are compelled to economize and hold down expenses. There is a reduction being made in the force in some of the departments, and in other departments the working hours have been lessened; all this being done to meet present conditions. The establishment of a night agent at Elsmore under present conditions would be an unreasonable requirement. While personally I should be very glad to do what I could to relieve the situation as far as Mr. Scott is concerned,

and afford him better facilities for the distribution of his daily paper, the Iola *Register*, under the circumstances I do not believe that Mr. Scott would insist upon the establishment of a night agent at Elsmore; and, in fact, if such an order were made on the part of the Board, we should refuse to comply with it, not because of any lack of courtesy to Mr. Scott or to the Board of Railroad Commissioners, but because of the fact that we should consider such a requirement unreasonable under present conditions."

A copy of such answer was forwarded to complainant with the statement:

"If you feel that you can make a showing of sufficient business afforded the respondent company at Elsmore to warrant the Board in ordering the establishment of a night agent, and will file a reply to this answer, the Board will set the case for hearing."

On December 14, upon request of complainant, the case was closed.

No. 679.—Filed November 29, 1907.

AGENT.

Joe Lockart *vs.* Union Pacific Rld. Co.

Joe Lockart filed a petition asking the Board to require the Union Pacific Railroad Company to maintain an agent at Seguin, Kan.

To this complaint the respondent company answered as follows:

"Now comes the Union Pacific Railroad Company, and for answer to the complaint of Joe Lockart and others, praying for the appointment of a station agent at Seguin, Kan., states that the business at Seguin will not justify the employment of an agent at that place.

"Respondent further states that during the year 1906 the total car-load shipments to and from Seguin amounted in all to 56 cars; that the total amount of car-load shipments to and from Seguin from January 1, 1907, to December 1, 1907, amounted to 25 cars; that the returns from business received and forwarded on less-than-car-load shipments in 1906 amounted to $772.17; that the returns from less-than-car-load shipments received and forwarded from January 1 to December 1, 1907, amounted to $629.62.

"Respondent further states that during the months of May, June, July, August, September and October, 1907, cash fares were collected from 114 pasengers out of Seguin, and the tota' revenue arising therefrom amounted to $75.63.

"Wherefore, respondent prays that the complaint may be dismissed."

A copy of such answer was forwarded to the complainant with statement:

"Kindly note the statement of the respondent company as to the amount of gross earnings on business afforded it at your station and that the same is not sufficient to justify the employment of an agent. If you feel that you can make a showing of a sufficient amount of business to warrant the Board in making the order desired, kindly file a reply to the answer enclosed herewith and the Board will set the case for a hearing at an early date."

June 30, no reply having been received, the case was closed.

No. 680.—Filed November 25, 1907.

EXPRESS SERVICE.

Mankato Commercial Club *vs.* United States Express Co. and Pacific Express Co.

The Mankato Commercial Club filed a petition asking the Board to require the United States and Pacific express companies to maintain free delivery service at Mankato, Kan.

To this complaint the respondent companies answered as follows:

"ANSWER OF UNITED STATES EXPRESS COMPANY.

"Your letter of November 25, 1907, addressed to Mr. George H. Jones, agent United States Express Company, Topeka, Kan., enclosing complaint on behalf of the people of Mankato, Kan., signed by Mr. Henry Honey, secretary, has been referred to me for reply.

"I believe your honorable Board has a very full history of the express service at Mankato, Kan., in your files, a similar complaint having been filed in March, 1905. I quote from a letter which I wrote secretary of the Board on April 24, 1905:

" 'I have visited Mankato and talked the situation over quite fully with the city attorney, Mr. Hotchkiss, the mayor, members of the council, and some of the representative business men, and I think I have quite fully convinced the gentlemen interested that the United States Express Company's business at Mankato will not admit of increasing our expense for delivery service at that point.

" 'I left Mankato with the understanding that your honorable Board would be requested to hold the matter in abeyance, so far as the United States Express Company was concerned, with the understanding that we would be very glad, indeed, to place the delivery back in service at any time when we could do so at the same expense we have been to for years.

" 'The business men of Mankato will undoubtedly use their influence in assisting us to employ some party to perform this service at Mankato.

" 'We did not voluntarily take off the delivery service at Mankato, but were compelled to do so for the reason that all parties engaged in the transfer business in that town seemed to be of the opinion that they could make more out of it charging for each package handled than to accept a stated salary for the service, and would not entertain any proposition within reason and fairness. I think we have, as stated, convinced the patrons at Mankato that we have always been and still are willing to do anything within reason, and I believe this matter will be adjusted in a very satisfactory manner to all concerned.'

"As far as the express company is concerned the situation remains practically the same.

"We succeeded in getting a man to furnish drayage for $10 per month on October 1, 1905. He continued to handle what business there was between the depot and town until May 16 of last year, and since then we have failed in our efforts to employ another man to do the work; that is to say, we have been unable to do so at a reasonable charge for the service.

"The gross business which may properly be credited to Mankato office for the past ten months has averaged $158.60. The cost of railroad transportation and cost of handling at Mankato was $121.78, not including taxes on business and personal property, loss and damage, stationery, messenger service and general office and line expenses.

"We stand ready to furnish drayage at any time when possible to do so for an expense not to exceed $10. We cannot pay more than that amount, and that amount is a reasonable and fair compensation for such service."

"ANSWER OF THE PACIFIC EXPRESS COMPANY.

"In answer to the complaint of the Commercial Club of Mankato, praying your honorable Board to order the Pacific Express Company and United States Express Company to establish free delivery of express shipments received at that city, for the Pacific Express Company I will say we have no means of knowing the earnings of the United States Express Company at this point, but the earnings of the Pacific Express Company at Mankato will not warrant the expense such a service as petitioners demand would involve. The cash proceeds of Mankato office, from January 1, 1907, to November 30, 1907, average $61.89 per month. Fully seventy-five per cent. of this revenue is required for the payment of transportation and terminal expenses, leaving but twenty-five per cent. to cover taxes, line expenses, loss and damage, auditing, stationery and expenses of administration.

"If your Board should issue such an order as the plaintiff requests, it would not only be confiscatory of our net earnings, but would require us to operate at Mankato, Kan., at an actual loss. I would therefore respectfully request that the plaintiff in this case be advised that investigation develops the revenue derived from the business at Mankato will not warrant the expense of such a service."

Copies of such answers were forwarded to the complainant, with the statement:

"Kindly note the allegations as to the gross earnings of the respondents. If upon careful consideration of these allegations you feel that you can make a showing of a sufficient amount of business afforded the respondent companies at your station to warrant the Board in ordering the companies to establish free delivery service at a cost greater than $10 per month, the Board will set the case for hearing."

June 30, 1907, no reply having been filed, the case was closed.

No. 681.—Filed December 9, 1907.

FREIGHT SERVICE.

Witherall Bros. *vs.* A. T. & S. F. Rly. Co.

Witherall Bros. complain of the freight service afforded by the Atchison, Topeka & Santa Fe Railway Company at Cunningham, Kan.

To this complaint the respondent company answered as follows:

"Returning complaint made to the Railroad Commissioners by Witherall Bros., of Cunningham, regarding our train service on the Wichita & Western branch. Business on that line at present is light and there is not sufficient to pay us to run a freight-train every day; however, freight-train is run just as often as is necessary to protect the business, and I feel that the business is being well taken care of. On account of it being necessary for the agent at that point to remain on duty until ten o'clock at night it has not been possible to have him on duty very early in the morning to remain all day; however, we have made arrangements for him to go on duty at 7: 40 A. M., to be there until 8: 40 A. M., during during which time he can deliver freight. He can also deliver freight during the day after ten A. M. In checking up period between November 23 and December 23 I find that the freight reached Cunningham between 4: 30 P. M. and 8: 30 P. M., so that the most of the days, at least, it would have been possible for consignees to have received their freight on the same day that it left Wichita, the agent being on duty, of course, until ten P. M."

A copy of such answer was forwarded to the complainant, with statement that the Board hoped the concessions and explanations accorded by Mr. Hurley would be satisfactory.

No. 682.—Filed December 19, 1907.

PASSENGER-TRAIN SERVICE.

State of Kansas, *ex rel.* G. F. Grattan, as attorney for the Board of Railroad Commissioners of the State of Kansas, *vs.* Mo. Pac. Rly. Co.

Upon request of the Board of Railroad Commissioners, G. F. Grattan, its attorney, filed the following complaint:

"COMPLAINT.

"The undersigned complainant, as attorney for the Board of Railroad Commissioners of the state of Kansas, pursuant to the authority conferred and the duty made by the statutes of the state of Kansas, and by virtue of notice to the undersigned as such attorney received from the Board of Railroad Commissioners of the state of Kansas, makes this complaint and says:

"That the defendant above named is a railway corporation, and among other purposes for the transporting of passengers within the state of Kansas for compensation as a common carrier, and complainant does allege and state that the defendant has unlawfully and wilfully violated its duty as a carrier and the laws of the state of Kansas, and also likewise makes rules and regulations in the handling of its roads, hereinafter designated, within the state of Kansas so as to deny passenger service to the people of the state of Kansas from Downs, Kan., to Stockton, Kan., and from Downs, Kan., to Lenora, Kan., and from Conway Springs, Kan., to Larned, Kan., and from Topeka, Kan., to Fort Scott, Kan., by wholly discontinuing the operation of such passenger-trains controlled and operated by the defendant between the several points above named, and that all of the matters and acts and doings of the defendant in the premises hereinabove charged and complained of are hereby charged to be unreasonable, unjust and discriminative, and are in violation of the laws of Kansas and of the duties and obligation of the defendant herein, and should be by the Board of Railroad Commissioners of the state of Kansas amended and changed, and that the passenger service so as aforesaid discontinued should be at once restored and operated by the said defendant, who is now in charge thereof and heretofore operated the same, and that any rule or regulation made by the defendant at the time of, or prior, or incidental to, or in connection with the discontinuance of the services of said passenger-trains from said points aforesaid is unlawful, unreasonable, unjust and discriminative, and should be abrogated and wholly set aside so far as the same might conflict with the operation of each of said trains when restored to its former operation and services.

"Wherefore, the state of Kansas, on the relation of the attorney for the Board of Railroad Commissioners of the state of Kansas, prays that the Board shall forthwith notify the said defendant of the filing of this complaint, and deliver to it a copy thereof as required by the statutes, and that unless the matters complained of are rectified and said passenger-train service restored and operated within the time fixed by the statute the Board will consider this complaint at the earliest date, to be fixed by the Board in the manner and at the time fixed by the statute, and upon such hearing and after the joining of issues in the premises that the Board shall make such order in relation to all of the same as may be warranted by the testimony and the evidence adduced at the hearing thereof, and after giving and having a full hearing upon the matters set forth in the complaint that the Board thereafter find, determine and prescribe that each of said passenger-trains be reinstated and be thereafter operated by the said defendant, who heretofore operated the same, and that it amend and change all rules and regulations made by the defendants so aforesaid affecting the discontinuance of said passenger-trains between said points aforesaid, and that the Board make such other and further findings and order in the premises as will be just, fair and reasonable."

The following notice was issued by the Board:

"To the Missouri Pacific Railway Company, A. W. Sullivan, General Manager:

"Attached hereto and made a part of this notice you will find certified copy of complaint filed with the Board of Railroad Commissioners of the state of Kansas by G. F. Grattan, attorney for said Board.

"This is to notify you that unless the relief asked for in the prayer of said complaint is granted by the respondent company within ten days from the date of service of this notice, this Board will consider such complaint at a place or places to be later designated by the Board.

"Should your company conclude not to grant the relief prayed for within ten days of date of service of this notice, you are hereby required to file the answer of your company to said complaint within two days thereafter."

On December 28 the following telegram was received from Hon. B. P. Waggener, general attorney for the Missouri Pacific Railway Company:

"I am authorized by the management of the Missouri Pacific Railway Company to say to the Commission that the passenger-train service between Downs and Stockton, Downs and Lenora, Conway Springs and Larned, and Fort Scott and Topeka, which has recently been discontinued, will be reëstablished on or about January 5. While these trains have been operated at a loss, in view of existing conditions and there being no prospect of any of these trains being remunerative, out of deference to the earnest appeal of the Commission the service will be reestablished. On my return home I will file with the Commission a formal statement to that effect."

On January 9, upon receipt of advice that the train service prayed for had been restored, upon motion of G. F. Grattan, as attorney for the Board, this action was dismissed.

No. 683.—Filed December 20, 1907.

DEPOT.

Mayor and Council of Mound Valley *vs.* M. K. & T. Rly. Co.

The mayor and council of Mound Valley filed a petition asking the Board to order the Missouri, Kansas & Texas Railway Company to construct and maintain a depot at that city. To this petition the respondent answered as follows:

"Comes now the Missouri, Kansas & Texas Railway Company, a corporation under and by virtue of the laws of the state of Kansas, and for its answer to the complaint of the mayor and council of the city of Mound Valley, Labette county, Kansas, says:

"1. That it denies each and every material allegation in said complaint contained.

"2. The said Missouri, Kansas & Texas Railway Company, for a further and second defense herein, alleges and shows that in April, 1906, it purchased lands in the said city of Mound Valley, Labette county, Kansas, for the purpose of terminals, with the understanding that the city would grant to this said railway company a franchise over and across certain streets through said city, and the right to erect and maintain station buildings, depot, workshops, tracks, switches and turntables over and through certain portion of Main street of said city; that thereafter there was presented to the mayor and council of said city an ordinance

covering the understanding and verbal arrangement made with E. M. Alvord, general superintendent of said railway company, which ordinance was refused. A copy of said ordinance is hereto attached, marked 'Exhibit A' for identity, and made a part hereof. That said railway company has been ready and willing at all times to erect and maintain a depot buiding in Mound Valley as soon as it can obtain from the mayor and council the franchise agreed upon and arranged for with said E. M. Alvord, general superintendent of said railway company; that it has made all of its plans and let contract for said building, and is ready to commence the erection of the same as soon as it can receive the proper protection promised under and by virtue of a franchise or ordinance of said city. That unless said railway company receives said franchise in accordance with their agreement and the understanding had with said E. M. Alvord, general superintendent of said railway company, the said company will decline and refuse to erect or maintain a depot in said city, and will decline and refuse to maintain terminal facilities unless protected and safeguarded by proper franchise.

"Wherefore, respondent herein prays that the complainants take nothing by their complaint, and that upon hearing said complaint be dismissed as being premature and not made in good faith, and for such other and further relief as may be just and proper."

A copy of such answer was forwarded to the complainant, with the following communication:

"The Board notes that the construction of this depot is apparently being delayed on account of failure of your city to grant franchises necessary to enable the construction of such depot. The Board also notes that you have another meeting, and that amended proposition is being made to you by the railroad company. The Board very much hopes that your council and the railroad company may get together at this time and iron out the proposition without the necessity of further or formal action on the part of the Board. However, if this result is not obtained, and you will file a reply to the answer of the company, the Board will set the case for hearing."

June 1, 1908, no reply having been received, the case was closed.

No. 684.—Filed January 6, 1908.

DEPOT.

Zimmerman Mercantile Co. *vs.* Mo. Pac. Rly. Co. and St. L. & S. F. Rld. Co.

The Zimmerman Mercantile Company asks an order of the Board requiring the St. Louis & San Francisco Railroad Company and the Missouri Pacific Railway Company to construct and maintain depots at Sherwin, Kan.

To this complaint the St. Louis & San Francisco Railroad Company answered as follows:

"The Missouri Pacific Railway Company informs me that it will begin at once the erection of a depot at Sherwin, and when the same is completed arrangements will be made for the joint use of the same by that company and this company. In the meantime, will it be necessary to give the complaint further attention at the present time?"

A copy of such answer was forwarded to complainant for his information and the case closed.

No. 686.—Filed January 18, 1908.

RECEIPTS FOR MILK-CANS.

Continental Creamery Co. *vs.* Pacific Express Co. *et al.*

The Continental Creamery Company, of Topeka, Kan., asks an order of the Board requiring the express companies operating in Kansas to issue receipts for the return of empty milk-cans.

To this complaint the Pacific Express Company answered as follows:

"Referring to your letter of January 21, enclosing copy of a complaint filed by the Continental Creamery Company, in which it requested that express companies be required to issue receipts for returned empty cans: In submitting the matter to our general counsel at St. Louis, as required by our rules, he advises that this same question with reference to interstate shipments is now before the Interstate Commerce Commission, on complaint of the Fairmont Creamery Company, of Omaha, Neb., and suggests that much extra work and trouble would be avoided without serious inconvenience to either party if the Continental Creamery Company could be held in abeyance until after the interstate case is finally decided.

"The decision of the Interstate Commerce Commission, while covering only interstate business, and not affecting intrastate shipments, would serve as a guide in determining our course with reference to the intrastate business. At this season of the year milk and cream shipments to creamery concerns are at the lowest stage; consequently the complainant in this case, I am sure, would offer no serious objection to the complaint being held in abeyance. If this can be done, will you kindly advise."

A copy of such answer was forwarded to the complainant with the statement:

"The request on the part of the defendant that further action on your complaint be held in abeyance pending the action of the Interstate Commerce Commission has been granted, this being in line with the decision of the Board upon the application of certain express companies to revise milk and cream rates in Kansas, the Board in that instance declining to grant permission for the revision of the rates, account your objection and allegation that the matter was pending before the Interstate Commerce Commission."

No. 687.—Filed January 26, 1908.

STOCK-YARDS.

W. N. Banks *vs.* A. T. & S. F. Rly. Co.

W. N. Banks, of Independence, Kan., filed a complaint alleging that the stock-yards of the Atchison, Topeka & Santa Fe Railway Company at that station are located in the middle of the tracks, where it is impossible to get to them with a wagon; where they are almost inaccessible in any way; and that there is no street to these yards and that they are usually surrounded by cars. The complainant asks that the stock-yards be moved to a more accessible location.

A copy of this complaint was forwarded to the respondent company, with the request that it answer thereto under the rules of the Board, and, on March 1, it answered that the relief prayed for by complainant had been granted.

No. 688.—Filed January 23, 1908.

NIGHT AGENT.

B. C. Lamb *vs.* Mo. Pac. Rly. Co.

B. C. Lamb, mayor of Toronto, Kan., asks an order of the Board requiring the Missouri Pacific Railway Company to reëstablish a night agent at Toronto, Kan. To this complaint the respondent company answered as follows:

"We are now in receipt of advice from our general manager in the above-entitled case that the service of a night clerk has been restored at the station of Toronto to keep the station open, sell tickets, check baggage, etc., which we hope will entirely remove the cause of complaint. Kindly advise us whether this will close the case satisfactorily to the Board, at your earliest opportunity."

A copy of such answer was forwarded to the complainant and the case closed.

No. 690.—Filed February 8, 1908.

SWITCHING RATES.

Stevens-Scott Grain Co. *vs.* K. C. M. & O. Rly. Co.

The Stevens-Scott Grain Company, of Wichita, Kan., complains that the Kansas City, Mexico & Orient Railway Company discriminates against the grain industry in the application of its switching rates.

To this complaint the respondent company answered as follows:

"Answering yours of the 10th instant, enclosing copy of communication from Stevens-Scott Grain Company, Wichita, Kan., and replying to your question as to the practice of the Orient company in regard to the matters mentioned in the Stevens-Scott Grain Company letter, we beg to submit:

"*First.* We herewith hand you I. C. C. No. 75, of the Kansas City, Mexico & Orient Railway Company, being local freight circular, which tariff covers the matter fully, and from which you will observe the Orient company absorbs switching charges on grain from competitive stations, but does not do so from non-competitive stations.

"*Second.* The Wichita Union Stock-yards & Terminal Association is a belt railway proposition that is competing for industries and warehouses to locate on its tracks. The Orient company has a large trackage in the city of Wichita, and is desirous of securing the location of concerns upon its tracks.

"*Third.* The Wichita Union Stock-yards & Terminal Association is operated as a joint proposition by four other Wichita lines, and the 'Frisco and Missouri Pacific companies, when performing intermediate switching, do so without any collection from consignees, while the Orient company is obliged to pay to the Missouri Pacific or the 'Frisco two dollars for switching through their yards, and an additional two dollars to the Wichita Union Stock-yards & Terminal Association, making a total of four dollars per car.

"*Fourth.* A large percentage and majority of the cars of grain handled into Wichita are reconsigned to eastern and southern markets, either in original state or mill products. When so reconsigned, the Orient company protects the through rate from initial point to final destination, regardless of the line over which it is reshipped from Wichita, and upon such through shipments the Orient company participates in no other handling of such through shipments or cars.

"From all of which it will be seen that the Orient company should not,

in justice, be required to absorb switching charges on grain, especially when it is required to pay such charges to other companies. We believe it is a fair conclusion, also, that grain consignments are not of the same character as shipments of live stock, which, when consigned to Wichita, must go to one place, viz., the stock-yards."

Upon due notice to all interested parties, and on April 22, 1908, the Board met at Wichita, Kan., and entered upon a hearing of the complaint. After the introduction of evidence and argument of counsel the Board took the case under advisement. On April 1, upon request of parties hereto, the case was dismissed without any order in the premises.

No. 691.—Filed February 8, 1908.

TRAIN SERVICE.

Mayor of Curranville *vs.* Kansas City Southern Rly. Co.

The mayor of Curranville filed a complaint asking the Board to require the Kansas City Southern Railway Company to construct a depot and afford additional train service at Curranville, Kan.

To this complaint the respondent company answered as follows:

"Now comes defendant, the Kansas City Southern Railway Company, and admits the allegations contained in complainant's application, and hereby consents that the Board may issue an order requiring and directing the defendant to stop one train each way a day at Curranville on flag and to erect the defendant's pagoda style of shelter for intending passengers at said point; and further ordering and directing that until the further order of this Board the defendant's trains Nos. 1 and 2, as designated on its present schedule, shall be the trains to stop at Curranville in the manner above designated."

Pursuant to the terms of such answer the Board made the following findings and order in the case:

"Now came the mayor and common council of the city of Curranville, Kan., and filed their complaint against the Kansas City Southern Railway Company, and said defendant having filed its answer admitting the allegations of the complainant's petition to be true, it is by the Board ordered and directed that—

"The Kansas City Southern Railway Company stop one train each way a day at Curranville, Kan., on flag, and erect the defendant's pagoda style of shelter for intending passengers at said point; and further ordering and directing that until the further order of this Board the defendant's trains Nos. 1 and 2, as designated on its present schedule, be the trains to stop at Curranville in the manner above designated."

No. 692.—Filed February 8, 1908.

FREIGHT SERVICE.

G. W. Harris *vs.* A. T. & S. F. Rly. Co.

G. W. Harris, of Oak Valley, Kan., alleges that the Atchison, Topeka & Santa Fe Railway Company refuses to accord Oak Valley, Kan., regular freight service on its train No. 23, and asks the Board to require the company to grant relief in the premises.

To this complaint the respondent company answered as follows:

"Returning enclosures of your letter of February 12, complaint G. W. Harris, of Oak Valley, account local freight-trains not having cars provided for handling local freight:

"I have only been able to find the one case. This was the one referred to by Mr. Harris, and on this date I find that the only car in the train which the conductor had available for this load when passing Oak Valley was a stock-car and he did not care to place eggs and butter therein. There was, however, a car at Oak Valley, and the conductor should have picked it up in order to handle the merchandise, and for failure to do so has been severely reprimanded and his record charged accordingly. I am sure that we will not have further trouble of this nature."

A copy of such answer was forwarded to the complainant for his information and the case closed.

No. 693.—Filed February 18, 1908.

TOILETS.

W. L. A. Johnson *vs.* Joplin-Pittsburg Rly. Co.

W. L. A. Johnson, state labor commissioner, filed a complaint alleging that the Joplin-Pittsburg Railway Company fails to provide suitable and convenient toilets for the accommodation of its employees and the traveling public. Upon receipt of answer to such complaint, and after due notice to all interested parties, the Board met at Pittsburg, Kan., on April 8, and entered upon a hearing of the case. Such hearing resolved itself into a conference which resulted in the securing to complainant of satisfactory relief in the premises.

No. 694.—Filed February 24, 1908.

TELEGRAPH SERVICE.

F. B. Hanson *vs.* Mo. Pac. Rly. Co.

F. B. Hanson, of Norway, Kan., filed a complaint asking the Board to require the Missouri Pacific Railway Company to reëstablish telegraph service at Norway, Kan.

To this complaint the respondent company answered as follows:

"In accordance with your request of the 28th ultimo, I give you below data for use at hearing before the Kansas Railroad Commission on March 15 on complaint of Mr. F. B. Hanson, relative to discontinuance of telegraph service at Norway, Kan., enclosures received with your letter being returned herewith.

"Norway is located on the Northern Kansas division and has a population of about eighty. The joint agent and operator, who was paid $55 per month, was relieved, and a straight agent appointed at $30 per month on February 14, 1908. The expense of operating this telegraph office at no time equaled the revenue, which during the past year averaged only $4.53 per month.

"The people of Norway should experience no particular inconvenience on account of the closing of this telegraph office, as the town is connected by telephone with Scandia, 7.2 miles west, and Concordia, 12.2 miles east—both telegraph offices.

"Compliance with the federal nine-hour telegraphers' law in the state of Kansas calls for the expenditure of $3702.50 per month additional to provide necessary telegraphers, and on account of the present business depression, with the resultant large decrease in revenue, it is necessary for the company to retrench in every way possible, and the closing of the telegraph office at Norway was one of them."

A copy of such answer was forwarded to the complainant, with the following communication.

"The Board is in receipt of a communication from Mr. A. W. Sullivan, the general manager of the Missouri Pacific Railway Company, answering your complaint *in re* discontinuance of telegraph service at Norway, Kan. Kindly note that the amount of telegraph business per month alleged in this answer is very nominal. You will please understand that any order of the Board requiring the establishment of additional service must be made upon a showing of a sufficient amount of business being offered to the company, or a showing that the trains of such company cannot be safely operated without the establishment of such an agency, in order to make the order of the Board enforceable in the courts. Unless such showing of business is made any order in the premises simply involves the state in useless and expensive litigation.

"However, if you feel that you can make a showing of a sufficient amount of business to warrant the Board in granting the relief prayed for by you, and will file a detailed reply to this answer, the Board will set the case for a hearing."

April 1, no reply having been received to such answer, the case was closed.

No. 695.—Filed February 24, 1908.

TELEGRAPH SERVICE.

Citizens State Bank *vs.* Mo. Pac. Rly. Co.

The Citizens State Bank of Pomona, Kan., asks the Board to issue an order requiring the Missouri Pacific Railway Company to reëstablish telegraph service at that station.

To this complaint the respondent company answered as follows:

"In accordance with your letter of the 2d instant, I hand you herewith data for use at hearing before the Kansas Railroad Commission on complaint of the Citizens State Bank of Pomona, Kan., concerning the discontinuance of telegraph service at that point, and also return papers which accompanied your letter.

"Pomona is a station on the Central Kansas division, with a population of about 600. On February 7, 1908, the joint agent and operator, who was paid $57.50 per month, was replaced with a straight agent at salary of $30 per month. The revenue from Western Union telegraph business during the past year amounted to but $2.51 per month.

"The change will in no way interfere with the handling of railway business at Pomona, as on the 29th of February a composite 'phone in the depot at Pomona was connected with our depot at Ottawa, Kan. (which is a day-and-night telegraph office), to permit of the handling of railway business only. I understand there is also a toll 'phone line between those two points.

"This telegraph office was closed owing to the fact that compliance with the federal nine-hour telegraphers' law, under normal conditions, calls for the expenditure of $3702.50 per month additional for telegraph operators in the state of Kansas alone, and this added expense, together with the existing industrial and business depression, makes it necessary for the company to retrench wherever possible."

A copy of such answer was forwarded to the complainant, with the following communication:

"Enclosed herewith find copy of letter from Mr. A. W. Sullivan, general manager of the Missouri Pacific Railway Company, answering your complaint *in re* discontinuance of telegraph service at your station. The Board notes that the respondent company has installed telephone service in lieu of the abandoned telegraph service. It also notes that the earnings from telegraph service at your station was a very nominal sum per month.

"You will please understand that the Board of Railroad Commissioners has absolutely no jurisdiction over telegraph service for commercial purposes, the only jurisdiction accorded it over telegraph lines being that relating to its necessity for its use in the proper conduct of the business of the company. The establishment of the telephone at this station enables the company to comply with the order of the Board *in re* bulletining of trains and enables the patrons of such company to order equipment for the handling of their shipments.

"In view of the above facts, in connection with the present disturbed monetary conditions and their attendant decrease in passenger and freight traffic, and the further fact that the Board is requiring the Missouri Pacific railway to expend a large amount of money in betterments in Kansas, it does not feel warranted in further prosecuting your case."

No. 696.—Filed February 24, 1908.

TRAIN SERVICE.

Joseph Griese *vs.* Union Pacific Rld. Co.

A complaint was filed by Joseph Griese, asking the Board to require the Union Pacific Railroad Company to stop its passenger-trains Nos. 103 and 104 at Walker, Kan.

To this complaint the respondent company answered as follows:

"Now comes Union Pacific Railroad Company, defendant above named, and for its answer to the complaint of Joseph Greise and others filed herein says that trains Nos. 101 and 103, west-bound, and trains Nos. 102 and 104, eastbound, are fast through trains of defendant company; that each train is now making as many stops as it is possible to make and maintain its present schedule; that in order to accommodate the people at the smaller stations on the district between Junction City and Ellis, and at the same time maintain fast service, it is necessary to divide up the smaller stations between the four trains, and it is not practicable to stop all the trains at the smaller stations; and that if any one of these trains is required to make an additional stop it will be necessary to discontinue one of its present stops or lengthen its schedule.

"Defendant further alleges that the station of Walker is located about midway between Gorham and Victoria, and is a very much smaller station than either of the former; that the distance between Gorham and Victoria is 7.1 miles; that trains 103 and 104 stop at Gorham and Victoria but do not stop at Walker; that trains 101 and 102 stop at Walker but do not stop at Gorham or Victoria; that if trains 103 and 104 are required to stop at Walker it will be necessary, in order to maintain the present schedule, to discontinue the stopping of these trains at Gorham or Victoria, or some other station of greater importance than Walker; and that by reason of the competition for through travel it is imperative that the present schedule be maintained on all these trains."

A copy of such answer was forwarded to complainant with the following communication:

"Enclosed herewith find copy of answer of the Union Pacific Railroad

Company to your complaint *in re* stopping of trains Nos. 102 and 104 at Walker: The Board is without jurisdiction to interfere with interstate train service to the extent of the lengthening of the entire schedule, as such action on the part of the Board would interfere with the connections of such interstate service and would be in effect an attempted regulation by the state Commission of interstate commerce.

"You will kindly note the statement in the answer that if stops were made by trains 102 and 104 at Walker, that these trains would be required to discontinue stops at other and larger stations or to lengthen the entire schedule. The Board would hardly feel warranted in penalizing some other and larger station for the purpose of securing to the station of Walker any benefits in the premises."

No. 697.—Filed February 24, 1908.

AGENT.

W. N. Foster *vs.* Mo. Pac. Rly. Co.

W. N. Foster filed a complaint asking that the Board require the Missouri Pacific Railway Company to maintain an agent at Crawford, Kan. To this complaint the respondent company answered as follows:

"In answer to the petition of W. N. Foster and thirty-eight others, I beg leave to submit that the allegations of the petition are not admitted, and a portion of fourth and all of the fifth paragraph are specially denied. Crawford is a town having a population of about thirty, and this petition, so far as investigation of the company is concerned, has been originated and circulated for the benefit of one W. N. Foster, a blacksmith at Crawford, who buys grain, and the reestablishment of the agency at that point would be almost exclusively for his benefit. This station was closed permanently October 19, 1891, and for more than sixteen years the business at that point has been satisfactorily conducted under present conditions, and to establish agency there would cost the company a minimum of $25 per month as salary, besides maintenance charges of station and station repairs. The trains stopping at Crawford under current time-table are as follows:

"No. 98, west-bound..... 10:05 A. M.
"No. 4, west-bound (on flag..... 7:27 A. M.
"No. 97, east-bound..... 12:55 P. M.
"No. 3, east-bound (on flag)..... 7:55 P. M.

"This company maintains agent at Langley, 4.68 miles on the east, and one at Geneseo, 6.62 miles on the west. Crawford has complete and perfect connection with the outside world by telephone with Langley, Geneseo and Marquette. Langley is a day office and Geneseo and Marquette day-and-night offices. In view of the late depression in industrial affairs and the falling off of business, the establishment of an agency at Crawford would come as a hardship upon the company at the present time.

"I therefore trust that the prayer of the petition in this matter will be disallowed."

A copy of such answer was forwarded to the complainant, with the following communication:

"The Board is in receipt of answer of the Missouri Pacific Railway Company to your complaint *in re* establishment of agent at Crawford, Kan., a copy of which is herewith enclosed for your information. In view of the present disturbed financial conditions, their attendant decrease in passenger and freight traffic and the necessity on the part of

the railroads in Kansas to indulge in considerable retrenchment in operating expenses, the Board would not feel warranted in ordering the relief asked for unless you can make a showing of a sufficient amount of business to make the order of the Board enforceable in the courts. You will please understand that any order of the Board in the premises would, unless accompanied by a showing of such an amount of business, simply involve the state in useless and expensive litigation. Especially would an order of this kind at this time be hard to enforce in the courts, in view of the close proximity of other stations and the small population of your town. However, if you feel that you can make a showing of a sufficient amount of business to warrant the Board in making an order in the premises, and will file a detailed reply to this answer, the Board will set the case for hearing."

June 1, no reply having been received thereto, the case was closed.

No. 700.—Filed February 25, 1908.

TELEGRAPH SERVICE.

James Carpenter *vs.* Mo. Pac. Rly. Co.

James Carpenter filed a complaint asking that the Board require the Missouri Pacific Railway Company to reestablish telegraph service at Glenlock, Kan.

To this complaint the respondent company answered as follows:

"In answer to the complaint of James Carpenter *et al.* asking for the reestablishment of telegraph service at Glenlock, Kan., I beg leave to report that Glenlock is a village community with a population of about fifty, located on the Central Kansas division of the Missouri Pacific Railway Company. On February 8, 1908, in the exercise of rigid economy to all departments of the road, the combination agent and telegraph operator at that point, who was then receiving $55 per month, was replaced with a straight agent at a saving of $25 per month to the company, and as a result the telegraph facilities were necessarily discontinued. The telegraph revenue taken in at this office during the six months ending December 31, 1907, averaged but 69 cents per month, to take care of which business the company was compelled to expend for a skilled operator, not to speak of station maintenance, $24.31 in excess of gross revenue from telegraph tolls. The Missouri Pacific Railway Company has at Garnett, 7.87 miles east, a day-and-night telegraph office, and at Harris, 5.62 miles west, a day telegraph office. Glenlock is connected with Garnett with long-distance telephone line, which gives the persons residing at that point practically the same facilities enjoyed prior to the discontinuance of the telegraph office. A revenue of but 69 cents per month shows that the telegraph facilities were a luxury which the residents of Glenlock denied themselves.

"As it would be manifestly unjust and inequitable to require this company to maintain an expensive telegraph station and derive no return or benefit therefrom, I trust that the prayer of the petitioners in this matter will be denied."

A copy of such answer was forwarded to the complainant, with the statement:

"You will kindly note the allegation of the respondent that the earnings from telegraph service at that station were but 69 cents per month. You will please understand that any order of the Board granting relief

desired by you must be made upon a showing of a sufficient amount of business to make it enforceable in the courts. If you feel that you can make such a showing of business and will file a detailed reply to this answer the Board will set the case for hearing."

June 1, no reply having been received, the case was closed.

No. 701.—Filed February 25, 1908.

PASSENGER-TRAIN SERVICE.

Ed Lindas *vs.* A. T. & S. F. Rly. Co.

Ed Lindas, of Larned, Kan., filed a complaint alleging that the Atchison, Topeka & Santa Fe Railway Company fails to operate sufficient number of passenger-coaches on its trains running on the Larned branch. To this complaint the respondent company answered as follows:

"Returning enclosures of your letter of the 28th ult., above subject:

"I since had a call from Mr. Ryker, one of the Commissioners, in regard to this matter, and I advised him, under date of March 13, that we had placed an additional coach in the train that date which would amply provide for all passengers."

A copy of such answer was forwarded to complainant and the case closed.

No. 703.—Filed February 25, 1908.

TELEGRAPH SERVICE.

W. T. Buck *vs.* Mo. Pac. Rly. Co.

W. T. Buck filed a petition asking the Board to require the Missouri Pacific Railway Company to restore telegraph service at Vliets, Kan. A copy of such complaint was forwarded to the respondent company, with the request that it answer thereto under the rules of the Board, and such company answered that the telegraph revenues at the station of Vliets averaged but $8.42 per month; that Vliets is but 3.6 miles from Vermilion and 4.9 miles from Frankfort, at both of which places telegraph service is afforded and to which Vliets is connected by toll 'phone line. A copy of such answer in full was forwarded to complainant, with the following communication:

"The Board is in receipt of a communication from Mr. A. W. Sullivan, general manager of the Missouri Pacific Railway Company, answering your complaint *in re* discontinuance of telegraph service at Falun, Kan. Kindly note that the amount of telegraph business per month alleged in this answer is very nominal. You will please understand that any order of the Board requiring the establishment of additional service must be made upon a showing of a sufficient amount of business being offered to the company, or a showing that the trains of such company cannot be safely operated without the establishment of such an agency, in order to make the order of the Board enforceable in the courts. Unless such a showing of business is made any order in the premises simply involves the state in useless and expensive litigation.

"However, if you feel that you can make a showing of a sufficient amount of business to warrant the Board in granting the relief prayed for, and you will file a detailed reply to this answer, the Board will set the case for a hearing."

June 1, no reply having been filed, the case was closed.

No. 706.—Filed February 25, 1908.

AGENT.

T. H. Terry *vs.* U. P. Rld. Co. and C. R. I. & P. Rly. Co.

T. H. Terry, as president of Salina Suborder No. 281, Anti-horse-thief Association, filed a petition alleging that said respondent companies had closed their depots at New Cambria, Kan., and asked an order of the Board requiring them to reopen the same and maintain depot agents.

To this complaint the respondents answered as follows:

"ANSWER OF THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY.

"I am advised that the station of New Cambria, on the line of this company, which has been temporarily closed, will be opened on the 19th instant."

"ANSWER OF THE UNION PACIFIC RAILROAD COMPANY.

"Now comes Union Pacific Railroad Company, one of the defendants above named, and for its answer to the complaint of the Anti-horse-thief Association filed herein says:

"That the station of New Cambria was not closed by the defendant Union Pacific Railroad Company; that the agent resigned, and as the company owned no building at that point it could not install an agent in his place; that the party who owns the building there has applied for the position of agent, and it has been recommended to take effect March 1."

Copies of such answers were forwarded to the complainant and the case closed.

No. 707.—Filed February 25, 1908.

DELAYED TRAIN SERVICE.

Andrew Pringle *vs.* A. T. & S. F. Rly. Co.

Andrew Pringle filed a complaint alleging irregularity of train service afforded by the Atchison, Topeka & Santa Fe Railway Company to the towns of Eskridge and Harveyville, Kan. This complaint was taken up personally by the members of the Board with the management of the respondent company, with the result that assurances were received that the conditions complained of were but temporary, and that immediate action would be taken which would result in relief to complainants.

No. 709.—Filed March 2, 1908.

TRAIN SERVICE.

E. D. Mikesell *vs.* A. T. & S. F. Rly. Co.

E. D. Mikesell filed a petition signed by citizens of Buxton and Upola, Kan., asking the Board to require the Atchison, Topeka & Santa Fe Railway Company to run at least one passenger-train each way per day on its line between the towns of Chanute, Kan., and Moline, Kan., and to maintain telegraph service at the town of Buxton. To this complaint the respondent company answered as follows:

"I am returning herewith the enclosures of your letter of the 2d ult. in the matter of complaint of Mr. J. S. Seimears and others of Upola, re-

questing passenger-train service each way daily between Chanute and Moline, through Upola. I presume it is understood that we are now operating a passenger-train each way, daily except Sunday, between Chanute and Fredonia. We have freight-train service only between Fredonia and Longton, the freight-train being operated to and from Chaunte. Of course, Longton, being located at the junction of the Chanute-Longton branch to the main line, is well served in the matter of passenger service. We have not recently discontinued operating passenger-train between Fredonia and Longton; in fact, have had freight service only for a long period of time, and this is all that the returns warrant. Our total ticket sales at Buxton station for the last six months of 1907 amounted to only $148.93. We do not have an agent at Upola, but for the first sixty days of the present year the cash-fare collections on the freight-trains operating between Fredonia and Longton amounted to only $4.31. Assuming the ticket sales at Buxton were confined to Fredonia and Longton and the intermediate point, we have earnings per mile equivalent to only 2.2 cents, and of course all of the tickets were not confined to that immediate territory. In the matter of telegraph earnings at Buxton, where the petitioners have asked that an operator be reinstalled, our records show that for the six months prior to the discontinuing of this telegraph office earnings were only $19.24, or an average of $3.20 per month.

"I am quite sure that the honorable Railroad Commission will readily acknowledge the correctness of our position that passenger-train service between Fredonia and Longton and a telegraph operator at Buxton is not warranted, based on the showings made."

Copy of such answer was forwarded to complainant, with the following communication:

"Enclosed herewith find copy of communication received by the Board from Mr. J. E. Hurley, general manager of the Atchison, Topeka & Santa Fe Railway Company, answering to complaint filed by you *in re* additional passenger service, Chanute to Moline, and establishment of a telegraph operator at Buxton. It seems from this answer that all passenger-train service which was accorded the citizens along this line previous to the present disturbed financial conditions is now being afforded them. In view of these present conditions the Board would not feel warranted in ordering the establishment of additional service at a time when all of the railroads operating in Kansas are finding it necessary to indulge in considerable retrenchment on account of decrease in passenger and freight traffic.

"As to the matter of telegraph service at Buxton: You will kindly note the allegation of the respondent that the amount of telegraph business offered the company at that station was $3.20 per month. You will please understand that any order of the Board *in re* the establishment of this service must be based upon a showing of a sufficient amount of business to warrant the granting of the relief desired, and that the issuance of an order not based upon such a showing simply involves the state in useless and expensive litigation.

"If you feel that you can make a showing of sufficient amount of business to warrant the Board in ordering the reestablishment of this telegraph service, and will file a specific reply to this answer, the Board will set the case for hearing."

June 1, no reply to such answer having been received, the case was closed.

No. 710.—Filed March 1, 1908.

TELEGRAPH SERVICE.

E. S. Chenowith *vs.* Mo. Pac. Rly. Co.

E. S. Chenowith asks an order of the Board requiring the Missouri Pacific Railway Company to reestablish telegraph service at Brownell, Kan. A copy of Mr. Chenowith's communication was forwarded to the respondent, and it answered thereto as follows:

"In answer to the complaint of E. S. Chenowith relative to the discontinuance of telegraph operator at Brownell, desire to say that in the exercise of the rigid economy made necessary by depressed business conditions during the past six months and the financial stringency consequent thereto, the company was compelled to, and did, on the 24th of February, 1908, dispense with the services of the combination agent and operator, drawing $60 per month, and a night clerk at $32.50 per month, and supplanted them with a straight agent at $40 per month, thus effecting a saving of $52.50 per month. Brownell is a point on the Colorado division, with a population of about 125. The only returns that the company has received during the past six months for telegraph operator at that point was an average of $3.30 per month received in commercial telegraph tolls. From the small amount of business at the station it is apparent that the discontinuance is not in any sense a hardship on Mr. Chenowith or the citizens of Brownell. The citizens of Brownell will suffer no inconvenience in being deprived of telegraph facilities, which they have patronized to the extent of $3.20 per month, for the reason that the town is connected by a telephone line with McCracken and Ransom and through these points with long-distance telephone line. The local telephone line runs from Utica to La Crosse, Kan. Brownell is also on the Ness county line, which connects with several residences and business places in that town. Telegraph facilities are provided the residents of Brownell by McCracken on the east and at Ransom on the west, McCracken being a day office and Ransom being a day-and-night office, being closed but four hours during the twenty-four, from 2:30 to 6:30 A. M.

"In view of the manifest inadequate revenue to require this company to maintain a telegraph operator at Brownell, and the consequent injustice of such an order to that effect, I respectfully ask that the petition be disallowed."

A copy of such answer was forwarded to the complainant, with the following communication:

"Enclosed herewith find copy of answer of the Missouri Pacific Railway Company to your complaint *in re* discontinuance of telegraph service at your station. You will kindly note the allegation of the respondent that the earnings from telegraph service at that station were but $3.30 per month. In view of the present disturbed financial conditions and their attendant decrease in passenger and freight traffic, the railroad companies of the sate have found it necessary to indulge in a very considerable retrenchment in operating expenses. You will please understand that any order of the Board granting the relief desired by you must be made upon a showing of a sufficient amount of business to make it enforceable in the courts. Any order to this effect, unless accompanied by such a showing of business, would simply involve the state in useless and expensive litigation.

"If you feel that you can make a showing of sufficient amount of busi-

ness afforded the respondent company to make an order of the Board enforceable in the courts, and will file a detailed reply to this answer, the Board will set the case for hearing."

June 1, no reply to such answer having been received, the case was closed.

No. 714.—Filed March 6, 1908.

FREIGHT SERVICE.

Wm. Hallman *vs.* Mo. Pac. Rly. Co.

A complaint signed by Wm. Hallman alleges that the operation of Missouri Pacific west-bound local freight, scheduled to arrive at Hudson, Kan., at 4:40 P. M., has been annulled only on two evenings each week at Stafford, such practice on the part of the respondent company preventing the receipt of perishable freight until the afternoon of the next day. Complainant asks that the Board order the establishment of daily freight-train service. To this complaint the respondent company answered as follows:

"For answer to the complaint in the above-entitled case, the defendant, the Missouri Pacific Railway Company, says that it is not true, as alleged in the complaint, that inadequate service for the shipment of perishable goods is maintained on the Larned branch of this company's line of road. It is true that trains 397 and 398, which are local freight-trains, running between Conway Springs and Larned, were not operated on February 14 and March 5, 1908, because of snow blockade and derailment on two occasions, and of an engine failure on another occasion, when only partial service was performed. But excepting these accidents, which this defendant could not prevent or anticipate, these trains have been regularly operated, nearly always on schedule time, ever since January 1, 1908, and are being so operated at this time.

"Defendant further says that such failures as these will occur at times on all roads, and especially on branch lines, where the equipment is not equal to the equipment on the main lines, and where such accidents are more apt to occur than on the main lines; but that in this instance, at least, there has been no greater failure of public service than upon the main lines of the country generally during such season of the year.

"Wherefore, the defendant submits that said complaint is without justification and unwarranted by the facts and circumstances of the case, and it for that reason asks that the same be dismissed, and for such further relief as it may be entitled to have."

A copy of such answer was forwarded to complainant, with the statement:

"You will kindly note the allegation of respondent that the service was discontinued only on account of blockades and derailments, and that it is not the intention of the company to discontinue the affording of daily passenger-train service at the station of Hudson, Kan."

No. 715.—Filed March 10, 1908.

RATES ON DRY GOODS.

In the matter of intervention of Board of Railroad Commissioners of the state of Kansas in the case of the Johnston-Larimer Dry Goods Co. and the Cox-Blodgett Dry Goods Co. *vs.* A. T. & S. F. Rly. Co. *et al.*, now pending before the Interstate Commerce Commission.

Upon application of the Commercial Clubs of Wichita and Hutchinson, the Board made the following order:

"It is hereby ordered by the Board of Railroad Commissioners of the state of Kansas that its attorney, Mr. G. F. Grattan, be and he is hereby authorized to intervene in behalf of said Board and the state of Kansas in the action of the Johnston-Larimer Dry Goods Company and the Cox-Blodgett Dry Goods Company *vs.* The Atchison, Topeka & Santa Fe Railway Company *et al.*, instituted by said complainants as a private action and now pending before the Interstate Commerce Commission of the United States, the purpose of this intervention being the securing to the state of Kansas the traffic advantages to which it is entitled by reason of its proximity to the Gulf ports and the low rates prevailing for the movement of merchandise from the East to such ports by water.

"Dated at Topeka, Kan., this 10th day of March, A. D. 1908."

Pursuant to the authority conferred by said order the attorney for the Board filed with the Interstate Commerce Commission the intervening petition of said Board, and, after a full hearing of the issues joined, and on April 14, 1908, the Interstate Commerce Commission made the following report:

"REPORT OF THE COMMISSION.

"The rates involved are those on knit goods and cotton piece-goods from eastern producing points to Wichita, Kan., as compared with those of Kansas City, Mo. The question presented can only be understood by careful attention to the routes by which this traffic may move and the manner in which the rates applicable by these different routes are constructed. The routes are three, and for the purposes of statement it may be assumed that the point of origin in all cases is New York city.

"The first is termed the all-rail route, from the fact that the movement is by rail over the entire distance. Rates by this route to Kansas City and points west in Kansas are combinations upon the Mississippi and Missouri rivers. The rate on cotton piece-goods from New York to St. Louis is 65 cents, from St. Louis to Kansas City 35 cents, making a through rate of $1. Ordinarily the rate to a Kansas point, like Wichita, would be formed by adding to this $1 the local rate from Kansas City, which, in this case, is 66 cents. Inasmuch, however, as the short-line distance from St. Louis to Wichita is south of Kansas City, a rate of 96 cents is named on cotton piece-goods from Kansas City to Wichita. This, if added to the 65 cents from New York to St. Louis, would produce a through rate to Wichita of $1.61. In point of fact, this rate, for reasons not necessary to state, is still further reduced 5 cents, so that the actual all-rail rate from New York to Wichita is $1.56.

"The second route is the ocean-and-rail, so called because the transportation is first by ocean from New York to some Southern port like Norfolk or Savannah and thence by rail to destination. From Norfolk or Baltimore the route would ordinarily be through St. Louis, while from a more southerly port it might move through some southerly Mississippi river crossing. The Wichita rate is, however, determined by the combination upon St. Louis. The ocean-and-rail rate to St. Louis is 7 cents less than the all-rail, or 58 cents. To this is added 35 cents for the

Kansas City rate, which is, therefore, 93 cents. Properly, 96 cents would be added to the St. Louis rate to form the through ocean-and-rail rate from New York to Wichita, which would thus be $1.54. In fact, the rate on cotton piece-goods by this route is $1.36, and the reason for this is found in the third route.

"This is ordinarily known as the 'Gulf route,' and involves a carriage by water to some Gulf port, ordinarily Galveston, from which the traffic is taken to destination by rail. The Gulf route was the last to be established, and formerly the rate to Wichita by that route was the same as that formed in the manner above indicated, *via* the ocean-and-rail route. The complainants and others similarly situated have earnestly contended in the past, however, that Wichita, by reason of its proximity to the Gulf, was entitled to a better rate than one formed in this manner, and for the purpose of recognizing this claim the rate of $1.36 on cotton piece-goods was established. This rate was not met by the all-rail lines, but was met by the ocean-and-rail carriers, as above.

"Before proceeding further with this discussion we may inquire what the interest of these complainants is. They are wholesalers of dry-goods and notions, located at Wichita. Their business is to bring cotton piece-goods and knit goods from producing mills in the East to Wichita, and to reship these goods from Wichita to retailers at various points. In the prosecution of this business they are in competition with similar wholesalers located at Kansas City, Mo., who, in the same way, bring goods from the East to Kansas City and reship them to the same points. It is manifest that the cost at which the complainants can lay their goods down to the retailer depends upon the freight rate from the point of production to Wichita, plus the rate from Wichita, and that the cost to the Kansas City wholesaler involves the rate to Kansas City, plus the rate from Kansas City. Now, it costs the complainants $1.36 per 100 pounds to bring these cotton piece-goods from New England mills to Wichita, while it costs the Kansas City wholesaler but 93 cents per 100 pounds to transport the same commodity to Kansas City. Here, then, is a disadvantage of 43 cents per 100 pounds against the complainants in the bringing in of their goods, and it is obvious that they must rest under a greater or less disadvantage with respect to the total transportation charge at all points where the rate from Wichita is not less than the rate from Kansas City, by this same 43 cents.

"Elaborate tables have been introduced by both parties for the purpose of showing the extent of this disadvantage. It is unnecessary to examine in detail this branch of the case. Suffice it to say that in only an extremely limited territory, extending not more than 25 miles to the east and north, and from 100 to 200 miles to the west and south, has Wichita the advantage of an equal chance in the freight rate; at all other points the advantage is with Kansas City and jobbers to the east.

"The defendants also endeavor to minimize the effect of this discrimination, urging that the freight rate enters but slightly into the cost of these commodities, and that while this difference in freight may be a quantity capable of mathematical statement, it is practically negligible in the transaction of their business. We are convinced from this and many other cases that such is not the fact. The adjustment of freight rates largely determines where this business shall be conducted. In recent years the dry-goods wholesaling business of Wichita has not kept pace with that upon the Missouri river. We can entertain no doubt but that the adjustment of freight rates is a most serious handicap to the prosecution of a wholesale business in a commodity like dry-goods, which moves at the same rate in any quantity, at any of these interior Kansas towns. In what way, then, can this adjustment of rates be changed so that such towns will enjoy equal or more favorable rate facilities?

"Lines operating through the Gulf establish by that route the same rates between New York and Kansas City as obtain by ocean and rail. Two of these lines, the Santa Fe and the Rock Island, run through

Wichita on their way from Galveston to Kansas City, and transport, therefore, through Wichita, cotton piece-goods from New York to Kansas City, the added distance from Wichita to Kansas City being 225 miles. It has been seen that the rate to Kansas City is 93 cents, while that to Wichita is $1.36, and the first claim of the complainants is that these defendants violate the fourth section by charging less for the long than for the short haul, and that they should be ordered to maintain no higher rate at Wichita than at Kansas City.

"This ground of complaint cannot be sustained. The rate from New York to Kansas City is not made nor is it influenced by these Gulf lines. It is established by lines from the East and without reference to lines or competition from the West or South. It is not an abnormal rate. As already seen, it is formed by combination upon St. Louis. Rates from St. Louis to Kansas City are not extremely low; they are high rather than low. If any low rate is involved, it is that from New York to St. Louis, and this rate was in existence before there was a Gulf route. It is therefore in every sense of the word true that these defendants in naming a rate of 93 cents on cotton piece-goods from New York to Kansas City simply meet a rate which they find in effect and which they have not been instrumental in producing. They must make that rate or they must entirely withdraw from the business.

"The supreme court of the United States has held, in cases too well known to require citation, that where a carrier is forced to establish a particular rate at the more distant point by competitive conditions which it does not control there arises out of this fact such a difference of circumstance and condition as exempts the carrier from the prohibition of the fourth section. It would be difficult to imagine a case which would more justly require the application of this holding of the supreme court than the one before us. We cannot, therefore, direct the defendants to make no higher rate to Wichita than they apply at Kansas City.

"Nor would the complainants in all probability derive any benefit from such an order if one were made. The testimony shows that comparatively little traffic moves from the Atlantic seaboard through the Gulf either to Wichita or to Kansas City. If these defendants operating through Wichita were required to make no higher rate to the Missouri river than to intermediate points, their only course would be to withdraw from the Missouri river business and thereby avoid breaking down their rates to points south of Wichita to which they do carry traffic. These rates cannot be readjusted, therefore, upon the theory that they are in violation of the fourth or the third section.

"It is equally manifest that the situation cannot be remedied by any legitimate change in rates from the East to Kansas City and Wichita. What the complainant desires is not a reduction of the rate to Wichita, but a reduction of the difference in rate between Kansas City and Wichita. If the rate from New York to St. Louis were to be reduced the complainants would be in no respect benefited, since that reduction would apply equally at Kansas City and at Wichita. This is also true of a reduction between St. Louis and Kansas City. Here, again, the price at which these two localities could own their cotton piece-goods would be equally affected. A reduction from Kansas City to Wichita would not benefit the complainants, for while the complainants might obtain their goods cheaper, the Kansas City merchant would be able to distribute his goods upon a rate proportionately less than before. None of these reductions would change the relation between these two points.

"This would be accomplished by making a through rate to Wichita less than the combination upon Kansas City. We have already seen that the all-rail rate from St. Louis to Wichita is 96 cents, as against a combination of $1, and we have further seen that the through ocean-and-rail rate from New York to Wichita is 14 cents less than the combined local rates. If we were prepared to disregard the Mississippi and Missouri rivers as basing lines, it is doubtful if we could properly establish a

through rate lower than the sums of the locals by more than that already in effect.

"All this is but another way of saying that the only relief for which the complainants can hope must come through a reduction of the rate *via* Galveston to Wichita. The only question which is fairly open in this case is upon the reasonableness of this rate. These complainants, if rates are to be established with reference to the East, are enjoying as favorable an adjustment as they can expect. Does their location, with respect to Galveston and the Gulf, entitle them to more favorable transportation charges from the northern Atlantic seaboard than those in effect upon the commodities in question?

"The complainants contend that the rate *via* the Gulf to Wichita ought not to exceed that to Kansas City from the East, nor is this proposition so absurd as the defendants would make it appear.

"It is true that the distance from New York to Wichita *via* Galveston is 3000 miles, twice as great as that to Kansas City, but it must be remembered that of this 3000 miles 2300 is water, and that transportation by water over long distances is not as expensive as by rail. It is 10,000 miles from New York to San Francisco through the Straits of Magellan, but cotton piece-goods have been habitually carried over this route for from 60 to 70 cents per 100 pounds. They are to-day being transported between the same points, *via* the Tehuantepec route, for the same figure, involving a water carriage of 2275 miles, a transfer and rail haul of 186 miles, and a second transfer and water haul of 2280 miles.

"It is quite probable that the actual cost of transporting cotton piece-goods from New York to Wichita *via* Galveston does not exceed that of carrying them from New York to Kansas City *via* the cheapest route. The all-rail haul is to the latter point 1300 miles and over. The ocean-and-rail movement involves a rail carriage of from 1100 to 1300 miles, depending upon the route selected. If the goods move through some Gulf port there is a rail carriage of not less than 850 miles. If, therefore, the rate were to be measured by the expense of the service, it is probable that Wichita would to-day enjoy as low a rate as the Missouri river.

"This rate of $1.36 applies not only from New York, but from seaboard territory, which, broadly speaking, is that territory lying east of the Buffalo-Pittsburg line and north of the Potomac river. The goods move from the mill to New York upon the local rate, whatever that may be, and this rate is first paid or absorbed out of the $1.36. It was said that this local charge from the mill to the seaboard would average 15 cents per 100 pounds, and there is in addition a cartage charge from the depot to the dock which amounts to about 3 cents per 100 pounds more, making a total of 18 cents which must first be deducted from the through rate, and which leaves $1.18 as the actual amount received by the line from New York to Wicitha.

"Out of this is taken 5 per cent., or 6 cents, to defray the cost of marine insurance, and the balance, $1.12, is divided between the steamship and the railroad—35 per cent. to the water and 65 per cent. to the land. The rail carriers from Galveston to Wichita receive therefore 73 cents per 100 pounds for the transportation of these goods 700 miles.

"Cotton piece-goods are first class under the Western Classification, which obtains in territory west of the Mississippi river. The first-class rate from Galveston to Wichita is $1.37. The Texas commission first-class rate from Galveston to Fort Worth, 350 miles, is 80 cents. The first-class through rate from New York to Wichita is $1.97½. It is apparent, therefore, that this rate of $1.36 could hardly be pronounced unreasonable by comparison with the general level of rates prevailing in the territory through which it applies.

"Rates to Wichita and similar points are generally determined by combination upon the Mississippi and Missouri rivers; that is, they are established from the East and are simply met by lines leading through Galveston. The complainants insist that this ought not to be so; that these southern Kansas towns, by reason of their proximity to the Gulf, are

entitled to lower rates than those constructed from the East. It has already been suggested in this report that the actual cost of transportation from New York *via* Galveston to Wichita is not materially greater than to Kansas City, and while we are not prepared to hold that, for this reason, rates to Wichita should be reduced to a level with those of Kansas City *via* other routes, the fact is entitled to be weighed in disposing of this question.

"There is also in this case an element of competition which must be dealt with. Wichita competes in the selling of these products with Kansas City, and that fact must be, to an extent, considered in the establishment of these rates. Competition is universally considered by railways themselves in the rates which they voluntarily make, and it must, within certain limits, be taken into account by us. In Johnston-Larimer Dry Goods Company *v.* Wabash Railroad Company *et al.*, 12 I. C. C. Rep. 60, we declined to disturb a rate of 66 cents upon cotton piece-goods from Kansas City to Wichita, although that rate, in every sense, is extremely high, since no particular individual or locality was injured; while in Johnston-Larimer Dry Goods Company *v.* Atchison, Topeka & Santa Fe Railway Company *et al.*, 12 I. C. C. Rep., 55, we required the establishment of a rate of 50 cents from producing points in Texas to Wichita for a distance twice as great, upon the ground that Wichita and Kansas City were competitors in this business. So, in the present case, we feel that this competitive element is entitled to some consideration, and that especially in view of the less expensive route *via* the Gulf, the differential against Wichita should be less than the full local from Kansas City to Wichita.

"Knit goods are first class in the Official, Southern and Western Classifications. The ocean-and-rail rate from New York and seaboard territory to Kansas City is the regular first-class rate of $1.38. The rate to Wichita is $1.64½. The local rate from Kansas City to Wichita is 66 cents. It will be seen that under the present adjustment the difference between Kansas City and Wichita against Wichita is only 26½ cents, almost 40 cents less than the full local. We feel that this is as favorable a rate upon this commodity as Wichita can expect in comparison with the rate to Kansas City.

"In Johnston-Larimer Dry Goods Co. *v.* New York & Texas Steamship Co. *et al.*, 12 I. C. C. Rep. 58, we approved a rate on knit goods, from seaboard territory, of $1.61½ to Wichita, as compared with $1.31 to Topeka. This decision was based upon the existence of a lake-and-rail rate from Syracuse and other producing points to East St. Louis of 42 cents. This latter rate was not in effect during the season of 1907 and is not now in effect, so that the rates of the Santa Fe should be canceled or modified.

"The Official Classification classifies cotton piece-goods under rule 25, second class, less 15 per cent. Under Southern Classification this commodity moves practically at the third- and fourth-class rates, but under the Western Classification it is first class. It should be noted, however, that while the first-class rate from St. Louis to Kansas City is 60 cents, the rate upon cotton piece-goods is but 35 cents, although that territory is within the limits of the Western Classification. The rate from New York to Kansas City is but 93 cents upon cotton piece-goods, as against $1.38 upon knit goods. From an operating standpoint cotton piece-goods are in every sense much more desirable traffic than knit goods. We feel that the rate from Atlantic seaboard points should be distinctly lower than that upon knit goods, and that the differential against Wichita, as compared with Missouri river, ought not to be materially greater. In our opinion the present rate of $1.36 *via* the Gulf lines is excessive, and we find that a rate of $1.25 would be just and reasonable to apply for the future.

"Our conclusion leaves the rates to Wichita upon knit goods as they are and makes but a slight reduction in the rate upon cotton piece-goods. It is with some regret that we have felt obliged to deny the prayer of the

complainants for an equal rate with Kansas City, for it sanctions an apparent discrimination against Wichita; but the careful student of the situation must see that this springs not from the voluntary action of the carriers, but rather from the situation of Wichita itself. Whether these rates are constructed from the East or from the South, that city stands at about the apex. In course of time conditions may justify a reduction of these rates through the Gulf, but for the present we hold that upon the existing basis of rates and under normal conditions the differential upon these two commodities against Wichita may properly equal 27 and 32 cents per 100 pounds. We do not extend this holding to class rates nor to other commodities.

"An order will be issued accordingly against those of the defendants which operate *via* Galveston."

No. 716.—Filed March 6, 1908.

TELEGRAPH SERVICE.

E. G. Louk *vs.* Mo. Pac. Rly. Co.

A petition filed by E. G. Louk and others asks the Board to require the Missouri Pacific Railway Company to reestablish telegraph service at Michigan Valley. A copy of such petition was forwarded to the legal department of the respondent company, and it answered that the town of Michigan Valley has a population of but eighty-five and that the telegraph revenue of such station was but $2.78 per month; that by reason of the discontinuance of telegraph service the company saves a monthly expenditure of $27.50; that Michigan Valley is but 6.12 miles from Lomax, at which point there is a telegraph office open day and night, and but 7.17 miles from Overbrook, where a day telegraph office is maintained, and that Michigan Valley has direct telephone communication with these stations.

A copy of such answer in full was forwarded to the complainant, with the following communication:

"Enclosed herewith find copy of answer of the Missouri Pacific Railway Company *in re* your complaint, discontinuance of telegraph station at your station. You will kindly note the allegation of the company that the earnings from telegraph service at that station were but $2.78 per month. In view of the present disturbed financial conditions and their attendant decrease in passenger and freight traffic, the railroad companies of the state have found it necessary to indulge in a very considerable retrenchment in operating expenses. You will please understand that any order of the Board granting the relief desired by you must be made upon a showing of a sufficient amount of business to make it enforceable in the courts. Any order to this effect, unless accompanied by such a showing of business, would involve the state in useless and expensive litigation.

"If you feel that you can make a showing of sufficient amount of business afforded the respondent company to make an order of the Board enforceable in the courts, and will file a reply, giving detailed statements, to this answer, the Board will set the case for hearing."

June 1, no reply having been received, the case was closed.

No. 717.—Filed March 7, 1908.

PASSENGER SERVICE.

M. A. Mosher *vs.* A. T. & S. F. Rly. Co.

M. A. Mosher filed a petition asking the Board to require the Atchison, Topeka & Santa Fe Railway Company to stop its passenger-train No. 9, west-bound, and No. 6, east-bound, at Lakin, Kan. To this complaint the respondent company answered as follows:

"I am returning enclosures of your letter of 11th instant on this subject. In this petition the people of Lakin have asked us to stop our fastest through passenger-trains. No. 9 is the fastest train west-bound that we have on that territory. It carries our California mail and is scheduled to catch our train No. 7 at Albuquerque. Of course, the primary object of the train being through service, we must necessarily have as few stops as possible, and this train is scheduled to stop at only one point between Dodge City and Syracuse, namely, Garden City, where it takes water. Trains Nos. 4 and 6 are equally fast trains in the opposite direction. No. 4 does not have a single stop between Syracuse and Dodge City, and the only stop of No. 6 is at Garden City, where it takes water. Of course, all of these trains must stop at Syracuse when engines are changed. Garden City is a much larger point, and the business therefrom is very much greater than from the local station of Lakin. No. 8, scheduled to stop at Lakin on flag, is a daylight train and gives that place as good service east-bound as they should expect. We have three west-bound through trains, Nos. 1, 5 and 7, scheduled to stop at Lakin on flag. While the hours are not as satisfactory as they might be, this is because of the geographical location and the fixed terminal time which must govern the departure of our trains from Missouri river points. I feel that Lakin is quite well taken care of, considering the amount of business therefrom; but, regardless of that, we shall be glad to give them additional facilities if it could be done without interference with our through traffic."

A copy of such communication was forwarded to complainant, with the following communication:

"With further reference to your petition *in re* stopping of Santa Fe fast mail-train No. 9 at your station, beg to advise you that the Board is now in receipt of answer of the respondent company, a copy of which is herewith enclosed for your information. This case was taken up with the respondent company with the hope that the company might see its way clear to change the schedule of these trains, but as evidenced by their answer they have not been able to do so. You will please understand that trains Nos. 9 and 4 and 6 are fast through interstate passenger-trains carrying interstate mails. The Board of Railroad Commissioners is absolutely without jurisdiction to make such changes in train schedules as will interfere with this interstate service. It very much regrets its inability to be of further service to you in this regard."

No. 719.—Filed March 20, 1908.

NOTICE OF ARRIVAL OF SHIPMENTS.

Sentney Wholesale Grocery Co. *vs.* A. T. & S. F. and C. R. I. & P. Rly. Cos.

The Sentney Wholesale Grocery Company asks the Board to require the Atchison, Topeka & Santa Fe Railway Company and Chicago, Rock Island & Pacific Railway Company to promptly forward notices of arrival of shipments received at the stations of Englewood, Liberal, Garden City, Lakin, Hartland and Syracuse for consignees residing in towns not located on said railroad lines. To this communication the respondents answered as follows:

"ANSWER OF CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY.

"I am in receipt of yours of the 31st ult., respecting the giving of notice of arrival of freight at Liberal. I think it is the practice now for agents of the company to notify consignees of the arrival of freight where their post-office address is known, but much of this freight is consigned to parties who reside where the mail service is not very good. The agent at Liberal will be instructed to mail such notices promptly."

"ANSWER OF ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY.

"I have yours of the 24th instant, together with copy of correspondence with Sentney Wholesale Grocery Company, of Hutchinson. Beg to advise that our instructions are that very prompt advice be given in every case of the arrival of freight, and I am quite sure these are being complied with, although I have taken this matter up again with the agents at the points mentioned, reissuing instructions in such a manner as will, I am sure, prevent any fall-down.

"I note station Liberal is mentioned; however, this in on the Rock Island."

Copies of such answers were forwarded to the complainant for his information and the case closed.

No. 720.—Filed March 20, 1908.

TELEGRAPH SERVICE.

J. J. Keller *vs.* Mo. Pac. Rly. Co.

J. J. Keller and others ask the Board to require the Missouri Pacific Railway Company to establish agent and telegraph operator at Wolcott, Kan. To this complaint the respondent company answered, alleging that the station of Wolcott was a town of 100 population; that the total earnings of said station for the month of January, 1908, were but $81.69, and for telegraph service alone, $1.41; said company further alleging that an order of the Board requiring the establishment of an agent and operator would be confiscatory of said company's property.

A copy of such answer in full was forwarded to complainant, with the statement that if he could make a showing of a sufficient amount of business to warrant the Board in granting the relief prayed for by him and would file a reply to this answer the case would be set for hearing.

June 1, no reply to such answer having been filed, the case was closed.

No. 722.—Filed March 28, 1908.

AGENT AND OPERATOR.

R. O. Holmes *et al. vs.* Mo. Pac. Rly. Co.

R. O. Holmes and others filed a complaint asking the Board to require the Missouri Pacific Railway Company to reestablish its agent and operator at Jefferson, Kan. Said company answered that Jefferson is a town of 100 population; that the total earnings of said station for the month of January, 1908, were $67.05, and that the commercial telegraph service earnings for the six months ending December 31, 1907, were but 49 cents per month; that an order of the Board granting the relief prayed for by complainant would be confiscatory of the company's property and a violation of the constitution of the United States.

A full copy of such answer was forwarded to complainant, with the statement that if he felt he could make a showing of a sufficient amount of business to warrant the Board in ordering the relief prayed for by him and would file a detailed reply to this answer the case would be set for hearing.

June 1, no reply to such answer having been received, the case was closed.

No. 723.—Filed April 3, 1908.

AGENT.

Martin Kisner *vs.* C. R. I. & P. Rly. Co.

Martin Kisner and others filed a complaint asking the Board to require the Chicago, Rock Island & Pacific Railroad Company to reestablish its day agent at Stuttgart, Kan. To this complaint the respondent company answered as follows:

"Further replying to yours of April 6 respecting complaint asking that the day agency at Stuttgart be reestablished: This service has been rearranged since the receipt of your communication, and the agent and operator works from twelve noon until twelve midnight, and his assistant from twelve midnight until twelve noon.

"This without doubt will meet the entire satisfaction of the people at that station."

Copy of such answer was forwarded to complainant and the case closed.

PART II.

DIRECTORY OF RAILROADS.

In this subdivision of the report the following information is given relative to each company reporting to the Board for the year ending June 30, 1908, viz.:

HISTORY.
ORGANIZATION.
OFFICERS AND ADDRESSES.
PROPERTIES OPERATED.
LARGEST HOLDERS OF VOTING SECURITIES.
CORPORATE CONTROL.
ADDITIONS AND BETTERMENTS EXPENDITURES.
COMPARATIVE GENERAL BALANCE-SHEET.

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY.

HISTORY.

The Atchison, Topeka & Santa Fe Railway Company was organized December 12, 1895, under the Laws of Kansas.

This company was organized under chapter 110, Session Laws of Kansas of 1876, in connection with section 6, article 1, chapter 23, General Statutes of Kansas, 1868.

The Atchison, Topeka & Santa Fe Railway Company was organized December 12, 1895, as above. Charter amended February 5, 1905, and February 18, 1907.

The Santa Fe Pacific Railroad Company, organized under act of Congress approved March 3, 1897.

The San Francisco & San Joaquin Valley Railway Company, organized February 25, 1895, under general statutes of the state of California.

The Southern California Railway Company, organized November 7, 1889, under general statutes of the state of California.

The Eastern Oklahoma Railway Company, organized July 24, 1899, under territorial laws of Oklahoma.

This report includes the property and operations of the Rio Grande & El Paso Railroad Company, the entire issue of capital stock and bonds of which is owned by the Atchison, Topeka & Santa Fe Railway Company and its property operated as a part of that company's lines.

DATE AND AUTHORITY FOR EACH CONSOLIDATION.

The railroads and property of the above-named companies were deeded to The Atchison, Topeka & Santa Fe Railway Company on July 1, 1903, April 1, 1901, January 17, 1906, and June 20, 1907, respectively.

Organized under territorial laws of Kansas as Atchison & Topeka Railway Company February 11, 1859.

Name changed to Atchison, Topeka & Santa Fe Railroad Company November 24, 1863.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Edward J. Berwind	New York	October, 1908.
John G. McCullough	Vermont	"
Henry C. Frick	Pittsburg, Pa.	"
Andrew C. Jobes	Wichita	"
Benjamin P. Cheney	Boston	October, 1909.
Paul Morton	New York	"
Henry H. Rogers	"	"
Edward P. Ripley	Chicago	October, 1910.
Byron L. Smith	"	"
Charles Steele	New York	"
Howel Jones	Topeka	"
H. Rieman Duval	New York	October, 1911.
Thomas P. Fowler	"	"
Victor Morawetz	"	"
Charles S. Gleed	Topeka	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

Name.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
Mattschappij Beheer Vanhut, administratick antoor, opgericht door Hubrecht, Van Harcurspel & Van Visser		$9,953,500 00	
Kuhn, Loeb & Co		5,633,400 00	$4,061,000 00
Frick, Henry C		3,530,000 00	
Leon Bros		2,911,000 00	508,500 00
Huggins & Clarke		1,674,000 00	985,100 00
Fleming, Robert		213,000 00	2,022,500 00
Hallgarten & Co		853,200 00	887,000 00
Francis, J. T		950,000 00	490,000 00
Rothschild & Sons, N. M		1,164,000 00	213,000 00
Baring Bros. & Co. (Ltd.)		1,961,600 00	3,274,200 00

Date of last meeting of stockholders for election of directors, October 24, 1907. Total number of stockholders at date of last election, 21,044.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the ten largest security holders hold any security as trustee.

OFFICERS.

Title.	*Officer.*	*Official address.*
President	E. P. Ripley	Chicago.
Assistant to the President	A. H. Payson	San Francisco.
Second Vice-president	J. W. Kendrick	Chicago.
Third Vice-president	G. T. Nicholson	"
Fourth Vice-President	W. B. Jansen	"
Secretary and Treasurer	E. L. Copeland	Topeka.
Assistant Secretary	L. C. Deming	New York.
" "	E. McBride	Chicago.
Assistant Treasurer	H. W. Gardiner	New York.
Assistant Secretary and Assistant Treasurer	G. Holterhoff, jr	Los Angeles.
General Counsel	Walker D. Hines	New York.
General Solicitor	Gardiner Lathrop	Chicago.
General Attorney	Robert Dunlap	"
" "	F. T. A. Junkin	"
" "	T. J. Norton	"
Comptroller	D. L. Gallup	New York.
Deputy Comptroller	A. E. Waterhouse	"
General Auditor	W. E. Bailey	Chicago.
Assistant General Auditor	J. E. Baxter	"
Auditor of Disbursements	A. L. Conrad	Topeka.
Freight Auditor	A. A. Hayes	"
Ticket Auditor	J. F. Mitchell	"
Auditor	W. J. Healy	Los Angeles.
General Manager	J. E. Hurley	Topeka.
Assistant General Manager	C. H. Gaunt	"
General Manager	A. G. Wells	Los Angeles.
Chief Engineer System	W. B. Storey, jr	Chicago.
Chief Engineer	C. A. Morse	Topeka.
"	H. C. Phillips	Los Angeles.
General Superintendent	F. C. Fox	Topeka.
"	R. J. Parker	Newton.
" "	H. W. Sharp	La Junta.
" "	I. L. Hibbard	Los Angeles.
Superintendent of Telegraph	C. H. Gaunt	Topeka.
Car Accountant	J. W. Nowers	"
"	S. M. Saltmarsh	Los Angeles.
Freight Traffic Manager	J. E. Gorman	Chicago.
Assistant Freight Traffic Manager	F. B Houghton	"
" " "	E. Chambers	San Francisco.
Passenger Traffic Manager	W. J. Black	Chicago.
Assistant Passenger Traffic Manager	J. J. Byrne	Los Angeles.
Assistant Traffic Manager	W. A. Bissell	San Francisco.
General Freight Agent	J. R. Koontz	Topeka.
" " "	W. G. Barnwell	Los Angeles.

OFFICERS—CONCLUDED.

Title.	*Officer.*	*Official address.*
Assistant General Freight Agent	R. G. Merrick	Topeka.
" " " "	F. C. Meagley	Chicago.
" " " "	F. H. Manter	"
" " " "	C. W. Cook	"
" " " "	J. J. Coleman	"
" " " "	H. P. Anewalt	San Francisco.
General Passenger Agent	J. M. Connell	Topeka.
Assistant General Passenger Agent	E. J. Shakeshaft	"
" " " "	H. K Gregory	San Francisco.
General Baggage Agent	P. Walsh	Topeka.
Land Commissioner	Howel Jones	"

Correspondence concerning this report should be addressed to W. E. Bailey, General Auditor, Chicago, Ill.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Ariz. & Calif. Rly. Co.	Sole.	Title to securities.	See note 1.	Direct.
Atchison Union Depot & Rly. Co.	Joint.	do.	25 per cent.	do.
Beaumont Wharf & Terminal Co.	Sole.	do.	See note 1.	do.
The Calif. Eastern Rly. Co.	do.	do.	do.	do.
Bradshaw Mountain Rld. Co.	do.	do.	do.	do.
Cane Belt Rld. Co.	do.	do.	do.	do.
Chicago Union Transfer Rly. Co.	Joint.	do.	4 per cent.	do.
The Eastern Rly. Co. of New Mex.	Sole.	do.	See note 1.	do.
El Paso Union Pass. Depot Co.	Joint.	do.	16⅔ per cent.	do.
Ft. Worth Union Pass. Station Co.	do.	do.	50 per cent.	do.
Fresno County Rly. Co	Sole.	do.	See note 1.	do.
Grand Canyon Rly. Co.	do.	do.	97 per cent.	do.
Gulf, Beaumont & G. Nor. Rly. Co.	do.	do.	See note 1.	do.
Gulf, Beaumont & K. C. Rly. Co.	do.	do.	See note 2.	do.
Gulf, Colo. & Santa Fe Rly. Co.	do.	do.	See note 1.	do.
Jasper & Eastern Rly. Co.	do.	do.	do.	do.
The Kansas City Belt Rly. Co.	Joint.	do.	50 per cent.	do.
Kansas City Terminal Rly. Co.	do.	do.	10 per cent.	do.
The Kansas Southwestern Rly. Co.	do.	do.	50 per cent.	do.
The Leavenworth Dep. & Rld. Co.	do.	do.	8⅓ per cent.	Indirect.
The Leav. & Topeka Rld. Co.	do.	do.	50 per cent.	Direct.
New Mexico & Arizona Rld. Co.	Sole.	do.	See note 1.	do.
Northwestern Pacific Rld. Co.	Joint.	do.	50 per cent.	do.
Oakland & East Side Rld. Co.	Sole.	do.	See note 1.	do.
Oakdale Western Rly. Co.	do.	do.	do.	do.
The Pecos & Nor'rn Texas Rly. Co.	do.	do.	do.	Indirect.
The Pecos River Rld. Co.	do.	do.	do.	do.
The Pueblo Union Dep. & Rld. Co.	Joint.	do.	20 per cent.	Direct.
Prescott & Eastern Rld. Co.	Sole.	do.	See note 1.	Indirect.
Rio Grande & El Paso Rld. Co.	do.	do.	do.	Direct.
Randsburg Rly. Co.	do.	do.	do.	do.
St. Joseph Terminal Rld. Co.	Joint.	do.	50 per cent.	do.
St. Joseph Union Depot Co.	do.	do.	10 per cent.	do.
Santa Fe Pacific Rld. Co.	Sole.	do.	See note 1.	do.
Santa Fe, Pres. & Phœnix Rly. Co.	do.	do.	do.	do.
Santa Fe Terminal Co. of Calif.	do.	do.	do.	do.
The Sou. Kan. Rly. Co. of Texas.	do.	do.	do.	do.
Sonora Rly. Co.—Limited	do.	do.	do.	do.
Sunset Rld. Co.	Joint.	do.	50 per cent.	do.
The Texas & Gulf Rly. Co.	Sole.	do.	See note 1.	Indirect.
The Un. Pass. Dep. Co. of Galv.	do.	do.	do.	Direct.
Western Arizona Rly. Co.	do.	do.	do.	do.
Western Oklahoma Rly. Co	do.	do.	do.	do.
Perris & Lakeview Rly.	do.	do.	do.	Indirect.
Union Depot Co. (K. C. Mo.)	Joint.	do.	9 per cent.	Direct.

NOTE 1.—Controls entire issue of capital stock, with exception of directors' shares issued to them for qualification purposes.

NOTE 2.—Controls entire issue of capital stock with exception of directors' shares issued to them for qualification purposes and three shares ($300.00) in hands of public.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.—CONCLUDED.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Inactive Corporations:				
A. T. & S. F. Rld. in Chicago	Sole.	Title to securities.	See note 1	Direct.
Burlingame & Nor. West Rlv. Co	do.	do.	do.	do.
The Chi. Kan. & Western Rld. Co.	do.	do.	do.	do.
Chicago, Santa Fe & Cal. Rly. Co.	do.	do.	do.	do.
Calif. & Nevada Rld. Co	do.	do.	See note 2	Indirect.
Cerrillos Coal Rld Co	do.	do.	See note 1	Direct.
The Chicago & St. Louis Rly. Co	do.	do.	See note 2	do.
Chi. Pekin & So. West'n Rld. Co	do.	do.	do.	do.
Chicago, St. Louis & West'n Rld. Co.	do.	do.	do.	do.
Denver & Santa Fe Rly. Co	do.	do.	See note 1	do.
Denver, Enid & Gulf Rld Co	do.	do.	do.	Indirect.
Elsinore, Pom. & Los Ang. Rly. Co.	do.	do.	do.	Direct.
Eastern Oklahoma Rly. Co	do.	do.	do.	do.
Florence, El Dorado & W. V. Rly. Co.	do.	do.	do.	do.
The Hutchinson & Sou. Rly. Co	do.	do.	See note 2	do.
The Kan. & Southeastern Rld. Co.	do.	do.	See note 1	do.
K. C. Emporia & Sou. Rly. Co	do.	do.	do.	do.
K. C. Topeka & West. Rld. Co	do.	do.	do.	do.
The Kan. Okla. Cen. & S. W. Rly. Co.	do.	do.	do.	do.
The Kiowa, C. & Ft. Smith Rly. Co.	do.	do.	do.	do.
Leav. Nor. & Sou. Rly. Co	do.	do.	do.	do.
Marion & McPherson Rly. Co	do.	do.	do.	do.
Miss. River Rld. & Toll Bridge Co.	do.	do.	do.	do.
The New Mexican Rld. Co	do.	do.	do.	do.
The New Mexico & Sou. Pac. Co	do.	do.	do.	do.
Perris & Lakeview Rly. Co	do.	do.	do.	Indirect.
The Pueblo & Ark. Val. Rld. Co	do.	do.	do.	Direct.
The Rio Grande M. & P. Rld. Co	do.	do.	do.	do.
The Santa Rita Rld. Co	do.	do.	do.	do.
St. Joseph & St. Louis Rld. Co	do.	do.	do.	do.
St. Joe, St. L. & Santa Fe Rly. Co.	do.	do.	do.	do.
San Fran. & S. Joaquin V. Rly. Co.	do.	do.	do.	do.
The Sibley Bridge Co	do.	do.	do.	do.
Silver Cy. Demg. & Pac. Rld. Co	do.	do.	do.	do.
The So. Kan. Rly. Co	do.	do.	do.	do.
The So. Kan. & Panh'dle Rld. Co	do.	do.	do.	do.
Southern California Rly. Co	do.	do.	do.	do.
Wichita & Southwestern Rly. Co.	do.	do.	do.	do.
The Wichita & Western Rly. Co	do.	do.	do.	do.

NOTE 1.—Controls entire issue of capital stock with exception of director's shares issued to them for qualification purposes.

NOTE 2.—Owns a majority of the shares of capital stock, but not knowing the amount issued cannot give percentage.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned	Chicago (Stew'rt ave.), Ill.	Near Needles, Cal.	1,922.76	
	Ottawa, Kan.	Okla.-Texas state line	399.25	
	Chanute, Kan.	Longton, Kan.	44.18	
	Florence, Kan.	Winfield, Kan.	72.73	
	Newton, Kan.	Pauls Valley, Okla.	272.91	
	Hutchinson, Kan.	Kinsley, Kan.	83.63	
	La Junta, Colo.	Denver, Colo.	180.83	
	Isleta, N. M.	Deming, N. M.	220.39	
	Rincon, N. M.	N. M.-Texas state line	56.40	
	Kern Junction, Cal.	Ferry Point, Cal.	306.48	
	Barstow, Cal.	National City, Cal.	273.10	
	San Bernardino, Cal.	Orange, Cal.	47.20	3,879.86

ROAD OPERATED, ENTIRE LINE—CONTINUED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Branches and spurs owned				
	Ancona, Ill.	Streator Jct., Ill.	80.73	
	Pekin Jct., Ill.	Pekin, Ill.	21.83	
	No. Lexington, Mo.	St. Joseph, Mo.	76.88	
	St. Joseph, Mo.	Emporia Jct., Kan.	111.03	
	Holliday, Kan.	Topeka, Kan.	52.70	
	Wilder, Kan.	Hawthorne, Kan.	45.41	
	Lawrence, Kan.	Ottawa, Kan.	27.19	
	Burlingame, Kan.	Alma, Kan.	34.30	
	Quenemo, Kan.	Osage City, Kan.	19.42	
	Burlington Jct., Kan.	Gridley, Kan.	52.36	
	Colony, Kan.	Yates Center, Kan.	24.71	
	Chanute, Kan.	Chicopee, Kan.	57.71	
	Benedict Jct., Kan.	Madison Jct.	40.57	
	Cherryvale, Kan.	Coffeyville, Kan.	17.98	
	Independence, Kan.	Cedar Vale, Kan.	54.79	
	Havana, Kan.	Caney, Kan.	5.39	
	Kan.-Okla. state line.	Tulsa, Okla.	67.13	
	Emporia, Kan.	Moline, Kan.	83.23	
	Strong City, Kan.	Bazaar, Kan.	11.68	
	Neva, Kan.	Kan.-Neb. state line.	151.83	
	Abiline, Kan.	Salina, Kan.	22.56	
	Manchester, Kan.	Barnard, Kan.	43.56	
	Florence, Kan.	Ellinwood, Kan.	98.21	
	Little River, Kan.	Holyrood, Kan.	26.30	
	Augusta, Kan.	Wellington, Kan.	36.98	
	Newkirk, Okla.	Purcell, Okla.	143.40	
	Guthrie Jct., Okla.	Cushing Jct., Okla.	47.85	
	Ripley, Okla.	Esau Jct., Okla.	40.41	
	Seward, Okla.	Cashion, Okla.	10.60	
	Guthrie, Okla.	Kiowa, Okla.	113.00	
	Pauls Valley, Okla.	Lindsay, Okla.	24.18	
	Davis, Okla.	Sulphur, Okla.	9.28	
	Hutchinson, Kan.	Ponca, Okla.	141.38	
	Attica, Kan.	Medicine Lodge, Kan.	20.95	
	Mulvane, Kan.	Englewood, Kan.	166.38	
	Wellington, Kan.	Caldwell, Kan.	20.44	
	Wellington, Kan.	Tonkawa, Okla.	43.36	
	Wichita, Kan.	Pratt, Kan.	79.77	
	Kiowa, Kan.	Belvidere, Kan.	50.61	
	Larned, Kan.	Jetmore, Kan.	46.33	
	Great Bend, Kan.	Scott City, Kan.	120.07	
	Canyon Jct., Colo.	Rockvale, Colo.	35.86	
	Clelland, Colo.	Canyon Colo.	7.24	
	Las Vegas, N. M.	Hot Springs, N. M.	9.01	
	Lamy, N. M.	Santa Fe, N. M.	18.13	
	Socorro, N. M.	Magdalena, N. M.	27.39	
	Deming, N. M.	Silver City, N. M.	46.50	
	Nutt, N. M.	Lake Valley, N. M.	13.52	
	Whitewater, N. M.	Santa Rita, N. M.	18.80	
	Hanover Jct., N. M.	Fierro, N. M.	6.66	
	Cororan Jct., Cal.	Calwa, Cal.	68.23	
	San Bernardino, Cal.	Highland Jct., via Mentone, Cal.	25.39	
	Highgrove, Cal.	Temecula, Cal.	45.23	
	Ferris, Cal.	San Jacinto, Cal.	19.44	
	Elsinore Jct., Cal.	Alberhil, Cal.	7.76	
	Richfield, Cal.	Olinda, Cal.	4.28	
	Casa Blanca, Cal.	Prenda, Cal.	2.04	
	Redondo Jct., Cal.	Redondo, Cal.	20.59	
	Los Angeles Jct., Cal.	Fallbrook, Cal.	18.05	
	Escondido Jct., Cal.	Escondido, Cal.	21.30	
				2,706.91
Line operated under lease for specified sum:				
R. G. & E. P. Rld.	N. M.-Texas state line.	El Paso, Tex.	20.17	
Western Arizona Rly.	McConnico, Ariz.	Chloride, Ariz.	21.57	
Southern Pac. Rld.	Near Needles, Cal.	Mojave, Cal.	242.55	
Cal. Eastern Rly.	Goffs, Cal.	Ivanpah, Cal.	45.21	
B. & S. Rly.	Barnwell, Cal.	Searchlight, Nev.	23.22	
Randsburg Rly.	Kramer, Cal.	Johannesburg, Cal.	28.64	
Fresno County Rly.	Reedley, Cal.	Wahtoke, Cal.	6.68	
Oakdale Western Rly.	Riverbank, Cal.	Oakdale, Cal.	6.80	
Oakland & East Side Rly.	Richmond, Cal.	Oakland, Cal.	11.32	
				405.66

ROAD OPERATED, ENTIRE LINE—CONCLUDED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Line operated under trackage rights:				
C. & W. I. Rld	Dearborn Station, Ill	Stewart Ave., Chicago, Ill.	1.43	
T. P. & W. Rly	Streator Jct., Ill	Pekin Jct., Ill.	5.91	
K. C. Belt Rly	Big Blue Jct., Mo.	Kansas City, Mo.	6.60	
Union Depot Co.	Kansas City, Mo.		.16	
	Terminal, Mo	Kansas City, Mo.	.03	
Union Depot Co.	St. Joseph, Mo.		.21	
St. Joseph Term. Rld.	St. Joseph, Mo.		.07	
C. R. I. & P. Rly	St. Joseph, Mo.	Winthrop, Mo	19.56	
Atchison Bridge	Atchison, Kan		.30	
Atchison U. D & Rld.	Atchison, Kan		.12	
Missouri Pacific Rly.	Caney, Kan.	Kan-Okla. state line	1.35	
Midland Valley Rld.	Tulsa, Okla		.75	
C. & N. W. Rly	Kan-Neb. state line	Superior, Neb	2.53	
St. L. & S. F. Rld.	Enid, Okla.	Blanton Jct., Okla.	2.94	
Union Depot Co.	Denver, Colo		.17	
Colorado & Sou. Rly.	Denver, Colo		.05	
Southern Pac. Rld.	Mojave, Cal.	Kern. Jct., Cal	67.01	
				109.19
Total				7,101.62

ADDITIONS AND BETTERMENTS EXPENDITURES.

ACCOUNT.	Total.
Right of way and station grounds	$329,383 94
Widening cuts and fills	44,786 91
Protection of banks	99,840 26
Grade revisions and changes of line	1,502,595 71
Tunnel improvements	110,761 26
Bridges, trestles and culverts	404,399 04
Ballast	325,488 53
Additional main tracks	2,031,887 23
Sidings and spur tracks	509,769 95
Terminal yards	594,795 65
Fencing right of way	56,558 88
Improvement of over and under grade crossings	9,766 88
Track elevation, elimination of grade crossings	90,230 09
Interlocking apparatus	64,902 92
Block and other signal apparatus	45,557 94
Telegraph and telephone lines	18,085 17
Station buildings and fixtures	666,681 74
Shops, engine-houses, and turntables	628,810 55
Shop machinery and tools	167,975 34
Water and fuel stations	450,409 83
Grain elevators and storage warehouses	11,068 23
Dock and wharf property	4,408 02
Miscellaneous structures	231,585 18
Steam locomotives	1,003,971 15
Passenger-train cars	540,488 14
Freight-train cars	8,007,715 02
Work equipment	89,490 57
Floating equipment	87,551 74
Total, entire line	$18,078,984 87
Total, state of Kansas	$1,789,183 16

ROAD ACQUIRED BY RESPONDENT

FOR OPERATION THROUGH LEASE OR OTHER AGREEMENT.

NAME OF OWNING COMPANY.	Miles.	Date.	Term.
Southern Pacific Rld. Co	242.55	July 15, 1898	81 years.
Rio Grande & El Paso Rld. Co	20.17	Jan. 1, 1900	10 "
Randsburg Rly. Co	28.64	Oct. 1, 1903	20 "
The California Eastern Rly. Co	45.21	Oct. 1, 1903	20 "
Oakdale Western Rly. Co	6.30	July 1, 1905	20 "
Western Arizona Rly. Co	21.57	Jan. 11, 1906	50 "
Oakland & East Side Rld. Co	11.32	July 1, 1906	20 "
Fresno County Rly	6.68	Aug. 1, 1906	20 "
Barnwell & Searchlight Rly. Co	23 22	April 7, 1907	16 "

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	ASSETS.	June 30, 1908.	Year ending June 30, 1908. Increase.	Decrease.
$460,010,149 60	Cost of road	$471,364,640 24	$11,354,490 64	
33,742,336 78	Cost of equipment	45,239,219 10	11,496,882 32	
101,296 15	General expenditures	108,169 89	6,873 74	
1,825,814 80	Stocks owned	1,695,673 50		$130,140 80
26,130 00	Funded debt	3,332,930 00	3,306,800 00	
939,466 88	Other permanent investments	1,131,105 72	191,638 84	
8,029,899 78	Additions and betterments, auxiliary companies	9,056,730 65	1,026,830 87	
4,854,040 36	Lands owned	4,945,020 76	90,980 40	
13,826,430 00	Cash current assets	17,566,606 77	3,740,176 77	
8,753,744 39	Material and supplies	11,111,248 77	2,357,504 38	
1,248,641 61	Sundries and other assets	1,327,337 51	78,695 90	
$583,357,949 85	Grand totals	$566,878,682 91	$33,520,733 06	
	LIABILITIES.			
$217,130,230 00	Capital stock	$217,200,580 00	$70,300 00	
277,313,550 00	Funded debt	311,916,350 00	34,602,800 00	
12,259,736 66	Current liabilities	10,248,068 37		2,011,668 29
3,582,848 34	Accrued interest on funded debt not yet payable	3,734,508 34	151,660 00	
45,063 28	Equipment, replacement, reserve	348 55		44,714 73
763,094 85	Rail renewal reserve	977,181 81	214,086 96	
590,283 29	Tie renewal reserve	808,782 40	218,499 11	
193,479 36	Bridge renewal reserve	215,255 60	21,776 24	
473,352 46	Reserve for fuel lands	154,730 53		318,621 93
889,437 25	Accrued taxes not yet due	1,220,061 81	330,624 56	
50,000 00	Unascertained liabilities accrued prior to January 1, 1896, estimated	50,000 00		
20,066,874 36	Profit and loss	20,352,865 50	285,991 14	
$583,357,949 85	Grand totals	$566,878,682 91	$33,520,733 06	

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.

HISTORY.

The Chicago, Burlington & Quincy Railroad Company was organized February 14, 1855, under charter act of the state of Illinois. It is a consolidated company, its constituent companies being:

Aurora Branch Railway Company, chartered February 12, 1849, amended June 22, 1852 (name changed to Chicago & Aurora Railroad Company); amended February 14, 1855, changing name to Chicago, Burlington & Quincy Railroad Company.

Central Military Tract Railroad Company, chartered February, 15, 1851, amended June 19, 1852, and February 11, 1853; consolidated with Chicago, Burlington & Quincy Railroad Company July 9, 1856.

Peoria & Aquawka Railroad Company, chartered February 12, 1849, amended February 10, 1851, June 22, 1852, February 8, 1853, February 21, 1861 (changing name to Logansport, Peoria & Burlington Railroad Company); master's sale October 29, 1862. March 18, 1864, name changed to Peoria & Burlington Railroad Company; consolidated with Chicago, Burlington & Quincy Railroad Company June 24, 1864.

Northern Cross Railroad Company, chartered April 13, 1849, amended February 1, 1851, June 11, 1852, June 21, 1852, February 10, 1853, February 10, 1857 (name changed to Quincy & Chicago Railroad Company); master's sale April 28, 1864, and conveyed to Chicago, Burlington & Quincy Railroad Company July 30, 1865.

Burlington & Missouri River Railroad Company, incorporated January 15, 1850, and the Burlington & Missouri River Railroad in Nebraska, incorporated May 12, 1869, consolidated with Chicago, Burlington & Quincy Railroad Company January 1, 1880.

The Chicago, Burlington & Quincy Railroad Company is not a reorganized company. This company makes an operating report.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Geo. F. Baker	New York	November 4, 1908.
Geo. C. Clark	"	"
Wm. P. Clough	"	"
Geo. B. Harris	Chicago, Ill	"
Jas. J. Hill	St. Paul, Minn	"
John J. Mitchell	Chicago, Ill	"
Darius Miller	"	"
Norman B. Ream	New York	"
John F. Talmage	"	"
Samuel Thorne	"	"
James W. Hill	"	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of shares.	Par value of common stock.
The Standard Trust Co. of New York, trustees	1,076,180	$107,613,000 00
Morton H. Niles	7,338	733,800 00
Nicholas Stockhammer	7,255	725,500 00
Chas. W. Harkness	3,080	308,000 00
New York Life Insurance and Trust Co., trustee	2,133	213,300 00
Downing, Augustus C., estate	1,375	137,500 00
Edw. S. Harkness	1,010	101,000 00
Henry Hamill, jr.	650	65,000 00
Henry Graves	550	55,000 00
Mrs. Mary T. Leiter	500	50,000 00

Date of last meeting of stockholders for election of directors, November 6, 1907.

Total number of stockholders at date of last election, 399.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Of the ten largest security holders some hold securities as trustees, but beneficiary is not shown.

OFFICERS.

Title.	*Name.*	*Official address.*
President	Geo. B. Harris	Chicago.
Assistant to President	W. W. Baldwin	Burlington, Iowa.
First Vice-President	D. Miller	Chicago.
Second Vice-President	D. Williard	"
Third Vice-President, Secretary and Treasurer	T. S. Howland	"
General Counsel	J. W. Blythe	Burlington, Iowa.
General Solicitor	C. M. Dawes	Chicago.
General Solicitor	J. E. Kelby	Omaha, Neb.
General Solicitor	O. M. Spencer	St. Joseph, Mo.
General Auditor	C. I. Sturgis	Chicago.
Assistant General Auditor	Geo. B. Dunbar	"
Auditor	W. P. Durkee	Omaha, Neb.
General Manager	F. E. Ward	Chicago.
General Manager	G. W. Holdrege	Omaha, Neb.
Chief Engineer	T. E. Calvert	Chicago.
General Superintendent	H. D. Judson	"
General Superintendent	W. B. Throop	Burlington, Iowa.
General Superintendent	F. H. Ustick	St. Louis, Mo.
General Superintendent	H. E. Byram	Lincoln, Neb.
General Superintendent	L. B. Allen	Alliance, Neb.
Superintendent of Telegraph	W. W. Ryder	Chicago.
Freight Traffic Manager	G. H. Crosby	"
General Freight Agent	W. B. Hamblin	"
General Freight Agent	W. Gray	St. Louis, Mo.
General Freight Agent	C. E. Spens	Omaha, Neb.
Assistant General Freight Agent	E. R. Puffer	Chicago.
Assistant General Freight Agent	Geo. Morton	"
Assistant General Freight Agent	H. H. Holcomb	"
Assistant General Freight Agent	G. P. Lyman	St. Paul, Minn.
Assistant General Freight Agent	A. L. West	St. Joseph, Mo.
Assistant General Freight Agent	A. B. Smith	Omaha, Neb.
Assistant General Freight Agent	F. Montmorency	"
Assistant General Freight Agent	W. W. Johnston	"
Assistant General Freight Agent	W. A. Holley	Chicago.
Assistant General Freight Agent	W. H. Hill	Kansas City, Mo.
Passenger Traffic Manager	P. S. Eustis	Chicago.
General Passenger Agent	John Francis	"
General Passenger Agent	L. W. Wakeley	Omaha, Neb.
Assistant General Passenger Agent	F. E. Bell	Chicago.
Assistant General Passenger Agent	W. A. Lalor	St. Louis, Mo.
Assistant General Passenger Agent	J. E. Buckingham	Omaha, Neb.
General Baggage Agent	John DeWitt	Chicago.

Correspondence concerning this report should be addressed to C. I. Sturgis, General Auditor, Chicago, Ill.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

Name.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Davenport, Rock Island & N. W. Rly. Co	Joint.	Title to securities.	50 per cent	Direct.
Quincy, Omaha & Kansas City Rld. Co	Sole.	do.	99.9 per cent	do.
Toledo, Peoria & Western Rly. Co.	Joint.	do.	47.2 per cent	do.
Kansas City Ferry Co	do.	do.	33⅓ per cent	do.
Wionia Bridge Rly. Co	do.	do.	66.7 per cent	do.
Iowa Transfer Rly. Co	do.	do.	20 per cent	do.
Minnesota Transfer Rly. Co	do.	do.	10 per cent	do.
Chicago Terminal Transfer Rly. Co.	do.	do.	51.3 per cent	do.
Inactive Corporations.				
Black Hills & Ft. Pierre Rld. Co	Sole.	Title to securities.	100 per cent	Direct.
Deadwood Central Rld. Co	do.	do.	do.	do.
Fulton County Narrow Gauge Rly. Co	do.	do.	99.9 per cent	do.
Northern & Southern Illinois Rld. Co	do.	do.	100 per cent	do.
Big Horn Rld. Co	do.	Advances of funds	do.	do.
Sioux City & Western Rld.	do.	Title to securities.	do.	do.

ROAD OPERATED, ENTIRE LINE.

Name.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned				822.41
Branches and spurs owned				7,461.63
Lines operated by respondent but owned by another corporation, control being secured through stock ownership:				
Black Hills & Ft. P Rld.			55.66	
Nor. & Sou. Ill. Rld.	Centralia	Herrin	52.30	
F. C. & N. G. Rly.	Galesburg	West Havanna	57.29	
Big Horn Rld.	Frannie	Worland	110.91	
Sioux City & W. Rly.			231.21	
Deadwood Cent. Rly.			17.68	
				525.05
Lines operated under trackage rights:				
Pennsylvania Rld.	At Chicago		1.22	
Illinois Central Rld.	Portage Curve	E. Dubuque, Iowa	12.41	
Dun. & Dubuque Bdg. Co.	E. Dubuque, Ill.	Dubuque, Iowa	1.12	
C. & N. W. Rly.	Clinton, Iowa		.98	
C. C. C. & St. L. Rly.	E. Alton, Ill.	E. St. Louis, Ill.	19.05	
D. R. I. & N. W. Rly.	Rock Island, Ill.	Clinton, Iowa	37.94	
Wabash Rld.	Bloomfield, Iowa	Moulton, Iowa	14.11	
Union Pacific Rly.	U. P. Transfer	Omaha, Neb.	2.79	
	Gilmore, Neb.	So. Omaha, Neb.	4.54	
	Sterling, Colo.	Union, Colo.	23.67	
Great Northern Rly.	St. Paul, Minn.	Minneapolis, Minn	11.65	
St. Paul U. D. Co.	At St. Paul		.53	
Minneapolis Un. Rly. Co.	At Minneapolis		2.21	
Union Bridge Rly.	E. Winona, Wis.	Winona, Minn	.98	
Terminal Rld. Assn.	At St. Louis, Mo.	E. St. Louis, Ill.	7.03	
Mo. Kan. & Texas Rly.	At Hannibal, Mo.		.30	
Wabash Rld.	At Hannibal, Mo.		.44	

ROAD OPERATED, ENTIRE LINE—CONCLUDED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Lines operated under trackage rights:				
Keokuk & Han. Bdg. Co.	At Keokuk, Iowa.		.03	
Chicago & Alton Rld.	At Louisiana, Mo.		.34	
Kansas City U.D. Co.,	At Kansas City		.20	
Atch. & East. Brdg. Co.	Winthrop, Mo.	State line	.89	
Atch. U.D. & Rld. Co..	At Atchison, Kan.		.10	
So. Omaha S. Y. Co..	At So. Omaha, Neb.		.41	
Leavenworth B. & T. Co.	Stillings, Mo.	Leavenworth, Kan.	1.73	
Colo. & So. Rly. Co..	Utah Jct. Co.	Burns Jct., Colo.	11.30	
Nor. Pacific Rly. Co..	Huntley, Mont.	Billings, Mont.	12.62	
C. R. I. & P. Rly.	At Carson, Iowa		.23	
Chicago & Alton Rld.,	E. Louisiana, Ill.	Louisiana, Mo.	2.07	
C. R. I. & P. Rly.	Burlington, Iowa	Medeapolis, Iowa.	13.77	
Union Pacific Rly.	At Stormsburg, Neb.		.22	
St. J. & G. I. Rld.	K. C. & O. Jct., Neb.	Endicott, Neb.	12.00	
	At Fairfield, Neb.		2.65	
Des M. U. Rld. Co..	At Des Moines, Iowa.		2.89	
Quincy, Omaha & K. C. Rly.	At Milan, Mo.		.52	
Chicago & Alton Rld.	At Felton, Mo.		.02	
Jacksonville Midland Rly.	At Jacksonville		.07	
C. P. & St. L. Rly.	At Jacksonville		.48	
Chicago & Alton Rld.	Wann	Alton	4 27	
M. & I. B. & B. Rld..	West Alton	Wann	2.69	
C. St. P. M. & O. Rld.	Ferry	Sioux City	3.73	
Great Northern Rld..	At Sioux City		86	
				214.56
Total mileage				9,023.65

OUTSIDE OPERATIONS.

DESIGNATION.	Character of business.	Title owned, leased, etc.	State or territory.
Dining-car service	Operating dining-cars	Owned	Whole road.
Lincoln Eating House	Restaurant and lunch counter	do.	Nebraska.
Montgomery Stock Yards	Feeding and caring for stock	do.	Illinois.
Clyde Stock Yards	do. do.	do.	do.
Galesburg Stock Yards	do. do.	do.	do.
Quincy Stock Yards	do. do.	do.	do.
Creston Stock Yards	do. do.	do.	Iowa.
Alliance Stock Yards	do. do.	do.	Nebraska.
Aurora Stock Yards	do. do.	do.	do.
Burnham Stock Yards	do. do.	do.	do.
Hastings Stock Yards	do. do.	do.	do.
McCook Stock Yards	do. do.	do.	do.
Red Cloud Stock Yards	do. do.	do.	do.
Sheridan Stock yards	do. do.	do.	Wyoming.
Wymore Stock Yards	do. do.	do.	Nebraska.

ROAD ACQUIRED BY RESPONDENT

FOR OPERATION THROUGH LEASE OR OTHER AGREEMENT.

NAME OF OWNING COMPANY.	Miles of line.	Date.	Term.
Northern & Southern Illinois Rld. Co.	52.30	Jul. 2, 1906	25 years.
Fulton Co. Narrow Gauge Rly. Co.	57.29	Feb. 1, 1906	25 "
Sioux City and Western Rly. Co.	231.21	Nov. 1, 1907	25 "
Big Horn Rld. Co.	110.91	Jul. 1, 1906	25 "

ADDITIONS AND BETTERMENTS EXPENDITURES.

Account.	Total.
Right of way and station grounds	$432,676 57
Real estate	3,717 78
Widening cuts and fills	73,354 18
Protection of banks	177,135 69
Grade revisions and changes of line	685,303 81
Bridges, trestles, and culverts	322,510 94
Increased weight of rail	450,278 07
Ballast	107,919 87
Additional main tracks	801,181 69
Sidings and spur tracks	342,587 74
Terminal yards	186,515 92
Fencing right of way	19,379 79
Track elevation, elimination of grade crossings, etc	792,175 06
Interlocking apparatus	36,306 75
Block and other signal apparatus	68,107 44
Telegraph and telephone lines	81,018 15
Station buildings and fixtures	131,138 31
Shops, engine houses, and turntables	122,738 10
Shop machinery and tools	125,735 76
Water and fuel stations	140,908 28
Grain elevators and storage warehouse	23,994 49
Dock and wharf property	5,431 82
Electric light and power plants	11,572 51
Miscellaneous structures	263,325 96
Steam locomotives	1,595,555 55
Freight-train cars	1,513,500 60
Work equipment	1,009,882 16
Total	$9,523,947 89

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$345,281,500 00	Cost of road, equipment and general expenditures	$358,832,115 23	$13,550,615 23	
367,869 12	Stocks owned	10,953,070 37	10,585,201 25	
1,245,008 00	Funded debt owned	1,923,023 00	678,015 00	
16,023,487 14	Other permanent investments	4,830,502 24		$11,192,984 90
1,173,087 71	Lands owned	1,182,138 59	9,050 88	
12,716,505 58	Cash and current assets	11,158,688 83		1,557,816 75
6,013,344 17	Materials and supplies	6,415,609 62	402,265 45	
17,262,788 46	Sinking, insurance and other funds	18,274,259 46	1,011,471 00	
$400,083,590 18	Grand totals	$413,569,407 34	$13,485,817 16	
	Liabilities.			
$110,839,100 00	Capital stock	$110,839,100 00		
168,690,000 00	Funded debt	183,064,000 00	$14,374,000 00	
11,925,272 99	Current liabilities	9,112,629 37		2,812,643 62
	Accrued interest on funded debt not yet payable	828,712 48	828,712 48	
	Accrued sinking-fund payments not yet payable	289,844 98	289,844 98	
9,686,861 18	Current accounts. Balance	16,613,139 16	6,926,277 98	
10,000,000 00	Renewal fund	10,000,000 00		
27,590,564 87	Sinking-fund	29,127,440 95	1,536,876 08	
	Excess on accrued interest on bonds over amount paid during year	168,550 48	168,550 48	
47,032,780 54	Income account	39,246,770 98		7,785,959 56
14,328,492 27	Profit and loss	14,288,650 61		39,841 66
$400,083,590 18	Grand totals	$413,569,407 34	$13,485,817 16	

CHICAGO, ROCK ISLAND & PACIFIC RAILWAY COMPANY.

HISTORY.

The Chicago, Rock Island & Pacific Railway Company is a consolidated company, and owns property located in the states of Illinois, Iowa, Minnesota, South Dakota, Missouri, Kansas, Nebraska, Colorado and Oklahoma, by virtue of its consolidation and purchases, as hereinafter stated. As a consolidated organization, its constituent companies are as follows:

The Rock Island & La Salle Railroad Company, created by special charter granted by the state of Illinois February 27, 1847.

The Chicago & Rock Island Railroad Company, successor to the Rock Island & La Salle Railroad Company, by amendment to the charter of the former company, February 7, 1851.

On the 1st day of January, 1853, the Mississippi & Missouri Railroad Company was incorporated under the general laws of the state of Iowa, and the road constructed by it sold under foreclosure to the Chicago, Rock Island & Pacific Railroad Company, incorporated under the general laws of the state of Iowa on the 28th day of May, 1866.

On the 20th day of August, 1866, the Chicago & Rock Island Railroad Company, of Illinois, and the Chicago, Rock Island & Pacific Railroad Company, of Iowa, were consolidated, by virtue of the general laws of the states of Illinois and Iowa, the consolidated company taking the name of the Chicago, Rock Island & Pacific Railroad Company.

On the 13th day of December, 1856, the Platte County & Fort Des Moines Railroad Company was incorporated by the legislature of Missouri, and on the 4th day of January, 1860, the Platte City & Fort Des Moines Railroad Company was organized under the statutes of said state.

On the 30th day of July, 1867, the name of the Platte City & Fort Des Moines Railroad Company was, by resolution of said company, changed to the Leavenworth & Des Moines Railroad Company. On the 3d day of March, 1869, the name of the last-mentioned company was changed by the legislature of the state of Missouri to the Chicago & Southwestern Railway Company, and on the 12th day of May, 1869, there was organized under the general incorporation laws of the state of Iowa a corporation of said state by the name of the Chicago & Southwestern Railway Company. On the 25th day of September, 1869, by virtue of the general laws of the states of Iowa and Missouri, the two last-mentioned companies were consolidated into a corporation known as the Chicago & Southwestern Railway Company.

A mortgage covering the property of the Chicago & Southwestern Railway Company in Iowa and Missouri was foreclosed subsequent to the above-mentioned consolidation, and at the sale under said mortgage said property was sold to the Iowa Southern & Missouri Northern Railway Company, a corporation organized under the general laws of the state of Iowa on the 29th day of August, 1876.

On the 25th day of November, 1870, there was organized under the general laws of the state of Missouri a corporation known as the Atchison branch of the Chicago & Southwestern Railway Company, and on the 6th day of August, 1871, a consolidation of the last-mentioned company was effected with the Chicago & Southwestern Railway Company, of the states of Iowa and Missouri.

On the 1st day of April, 1869, there was incorporated under the general incorporation laws of the state of Iowa a corporation known as Des Moines, Indianola & Missouri Railroad Company, which constructed a line of railroad from Des Moines, in the state of Iowa, to Indianola, in said state.

There was organized on February 21, 1871, under the general incorporation laws of the state of Iowa a corporation known as the Des Moines, Winterset & Southwestern Railroad Company, which constructed a line of road from a junction with the said Des Moines, Indianola & Missouri railroad to Winterset, in the state of Iowa, which two last-mentioned railroads were conveyed to the Iowa Southern & Missouri Northern Railway Company.

On the 4th day of August, 1877, there was organized under the general laws of the state of Iowa the Newton & Monroe Railroad Company, which constructed a railroad from Newton, in the state of Iowa, to Monroe, in said state; and on the 20th day of June, 1878, there was organized under the same laws the Atlantic & Audubon Railroad Company, which constructed a railroad from Atlantic, in the said state, to Audubon, in said state; and on the 27th day of August, 1879, there was organized the Atlantic Southern Railroad Company, which constructed a railroad from the said town of Atlantic to Griswold, in said state; and on the 27th day of October, 1879, there was organized under said laws the Avoca, Macedonia & Southwestern Railroad Company, which constructed a railroad from Avoca, in said state, to Carson, in said state.

On the 2d day of June, 1880, pursuant to the general laws of the states of Illinois and Iowa, articles of consolidation were entered into between the above-mentioned Chicago, Rock Island & Pacific Railroad Company, the Iowa Southern & Missouri Northern Railroad Company, the Newton & Monroe Railroad Company, the Atlantic Southern Railroad Company, the Avoca, Macedonia & Southwestern Railroad Company, and the Atlantic & Audubon Railroad Company, whereby was created the corporation known as the Chicago, Rock Island & Pacific Railway Company.

Under the laws of the state of Missouri, there was incorporated on February 21, 1857, by act of the general assembly, the St. Joseph & Iowa Railroad Company, the charter being amended by act of the general assembly, approved March 16, 1866; and the railroad constructed by this company in Missouri has been conveyed to the Chicago, Rock Island & Pacific Railway Company.

Under the general laws of the state of Iowa, the following-named companies were organized on the dates named, respectively: The Avoca, Harlan & Northern Railroad Company, organized on the 21st day of June, 1878, which constructed a railroad from Avoca, in the state of Iowa, to Harlan, in said state; and the Guthrie & Northwestern Railroad Company, organized under the same laws on the 4th day of October, 1879, constructed a railroad from Menlo, in the state of Iowa, to Guthrie Center, in said state; which two roads have been, since their construction, purchased by the said Chicago, Rock Island & Pacific Railway Company.

On the 19th day of March, 1886, there was organized under the laws of the state of Kansas a corporation known as the Chicago, Kansas & Nebraska Railway Company, which company constructed a line of road from the Missouri river westward to Colorado Springs, in the state of Colorado, through the states of Kansas and Nebraska, and southwestward through said state of Kansas into the Indian Territory, now the state of Oklahoma. The mortgage on the road so constructed has been foreclosed and the road purchased by the Chicago, Rock Island & Pacific Railway Company.

On the 20th day of July, 1899, there was organized under the laws of the territory of Oklahoma a corporation known as the Enid & Tonkawa Railway Company, which company constructed a line of road from North Enid, in the territory of Oklahoma, to Billings, in said territory. On December 22, 1899, the property was purchased by the Chicago, Rock Island & Pacific Railway Company, and is now a part of the system.

On the 3d day of January, 1900, the Guthrie & Kingfisher Railway Company was incorporated under the laws of the territory of Oklahoma, and constructed a line of railroad from Kingfisher to Cashion, Okla. The property was purchased by the Chicago, Rock Island & Pacific Railway Company October 8, 1900.

On the 14th day of July, 1899, the Gowrie & Northwestern Railway Company was incorporated under the laws of the state of Iowa, and constructed a line of railroad from Gowrie to Sibley, Iowa. The property was purchased by the Chicago, Rock Island & Pacific Railway Company December 31, 1900.

On June 11, 1903, the Rock Island & Peoria Railway Company, a reorganization of the Peoria & Rock Island Railroad Company, made under the laws of Illinois, October 5, 1877, and having a line of railroad between Rock Island and Peoria, Ill., with several branches, was sold to the Chicago, Rock Island & Pacific Railway Company.

On June 15, 1903, the Burlington, Cedar Rapids & Northern Railway Company of Iowa, incorporated under the laws of Iowa June 19, 1876, as successor to the Burlington, Cedar Rapids & Minnesota Railroad Company, having lines of railroad in Iowa, Minnesota and South Dakota, was sold to the Chicago, Rock Island & Pacific Railway Company.

On March 9, 1901, the Enid & Anadarko Railway Company was incorporated under the laws of the territory of Oklahoma, and constructed a line of railroad from Enid to Anadarko, Okla., and from Lawton to Waurika, Okla. This road was sold to the Chicago, Rock Island & Pacific Railway Company October 21, 1903.

The Searcy & Des Arc Railroad Company, organized under the laws of the state of Arkansas June 29, 1899, was sold to the Chicago, Rock Island & Pacific Railway Company March 24, 1904.

On January 23, 1902, the Choctaw, Oklahoma & Gulf Railroad Company was incorporated under the laws of the territory of Oklahoma, with authority to build line in said territory. May 15, 1902, this organization was reincorporated, with power to build line in both the Oklahoma and Indian territories, the name being changed to Choctaw, Oklahoma & Western Railroad Co. The property and franchises of this corporation were sold to the Chicago, Rock Island & Pacific Railway Company March 24, 1904.

On November 1, 1899, the South St. Paul Belt Railway Company was incorporated under the laws of the state of Minnesota. June 11, 1903, the

road, property and franchises of this corporation were sold to the Minneapolis & St. Paul Terminal Railway Company.

May 20, 1902, the St. Paul Terminal and Transfer Company was incorporated, under the laws of the state of Minnesota, the article of incorporation being amended May 6, 1903, changing the name of the incorporation to the Minneapolis & St. Paul Terminal Railway Company. The road, property and franchise of this corporation were sold to the Chicago, Rock Island & Pacific Railway Company on March 25, 1904.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
D. G. Reid	New York	1908
Jas. Campbell	St. Louis	"
Robt. Mather	New York	"
John J. Mitchell	Chicago	"
R. R. Cable	"	1909
J. H. Moore	"	"
F. L. Hine	New York	"
Ogden Mills	"	"
A. E. Orr	"	"
W. H. Moore	"	1910
B. F. Yoakum	"	"
B. L. Winchell	Chicago	"
Geo. G. McMurty	New York	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of voters.	Par value of common stock.
Central Trust Co. of New York, trustee	702,125	$70,212,500 00
Emily Watson	3,570	357,000 00
Estate of A. C. Downing	3,000	300,000 00
Sebastian D. Laurence	2,772	277,200 00
F. P. Freeman & Co	1,125	112,500 00
Robert W. Goelet	1,363	136,300 00
United States Trust Co., trustee	900	90,000 00
Caroline L. Ely	726	72,600 00
United States Trust Co., trustee	600	60,000 00
Hayes J. Trowbridge	489	48,900 00

Date of last meeting of stockholders for election of directors, Oct. 10, 1907.

Total number of stockholders at date of last election, 565.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Of the ten largest security holders, the Central Trust Company of New York holds securities as trustee for C. R. I. & P. Rld. Co. of Iowa under its mortgage of 2,002, and the United States Trust Company holds securities as trustee under the will of Watson E. Case and under the will of John J. Van Nostrand.

OFFICERS.

Title.	*Name.*	*Location of office.*
Chairman of the Board	D. G. Reid	New York.
Chairman of Executive Committee	B. F. Yoakum	"
President	B. L. Winchell	Chicago.
First Vice-president	R. A. Jackson	"
Second Vice-president	H. U. Mudge	"
Third Vice-president	W. B. Biddle	"
Fourth Vice-president	C. W. Hillard	New York.
Vice-president	E. L. Pollock	Chicago.
Assistant to President	S. T. Fulton	"
Secretary and Treasurer	Geo. H. Crosby	"
General Counsel	Robert Mather	New York.
General Solicitor	R. A. Jackson	Chicago.

OFFICERS—CONCLUDED.

Title.	*Name.*	*Location of office.*
General Attorney	M. A. Low	Topeka, Kan.
General Attorney	B. S. Cable	Chicago.
General Attorney	E. C. Lindley	"
General Attorney	W. F. Evans	St. Louis, Mo.
Commerce Counsel	E. S. Pierce	Chicago.
General Auditor	Frank Nay	"
Assistant General Auditor	W. H. Burns	"
Auditor Disbursements	L. K. Luff	"
Auditor Freight Traffic	C. G. Weaver	"
Auditor Passenger Traffic	A. Hermany	"
General Manager	F. C. Melcher	"
Manager	W. S. Tinsman	El Reno, Okla.
General Superintendent Central District	H. S. Cable	Davenport, Iowa.
General Superintendent N. District	C. H. Hubbell	Cedar Rapids, Ia.
General Superintendent S. W. District	A. E. Sweet	Topeka, Kan.
General Superintendent Choctaw District	W. M. Whitenton	Little Rock, Ark.
General Superintendent Southern District	J. W. Robins	Fort Worth, Tex.
Division Superintendent	A. W. Kelso	Chicago.
Division Superintendent	J. B. Smalley	Rock Island, Ill.
Division Superintendent	C. L. Brown	Fairbury, Neb.
Division Superintendent	C. W. Jones	Des Moines, Iowa.
Division Superintendent	G. A. Merrill	Cedar Rapids, Ia.
Division Superintendent	A. T. Abbott	Colorado Spgs., Co.
Division Superintendent	Garrett Davis	Cedar Rapids, Ia.
Division Superintendent	C. J. Wilson	Estherville, Iowa.
Division Superintendent	W. H. Given	Des Moines, Iowa.
Division Superintendent	T. H. Beacom	Trenton, Mo.
Division Superintendent	H. L. Reed	Eldon, Mo.
Division Superintendent	H. R. Saunders	Kansas City, Mo.
Division Superintendent	G. W. Rourke	Herington, Kan.
Division Superintendent	H. P. Greenough	Dalhart, Texas.
Division Superintendent	F. J. Easley	Little Rock, Ark.
Division Superintendent	M. J. Kennelly	El Dorado, Ark.
Division Superintendent	A. B. Copley	Haileyville, Okla.
Division Superintendent	H. M. Hallock	El Reno, Okla.
Division Superintendent	John McGie	"
Division Superintendent	M. McKernan	Fort Worth, Tex.
Superintendent Telegraph	J. G. Jennings	Chicago.
Purchasing Agent	J. M. McCarthy	"
General Stationer	L. P. Stafford	"
Chief Engineer	J. B. Berry	"
Freight Traffic Manager	H. Gower	"
General Freight Agent	T. H. Simmons	"
General Freight Agent	H. W. Morrison	Little Rock, Ark.
Assistant General Freight Agent	H. A. Snyder	Chicago.
Assistant General Freight Agent	M. A. Patterson	"
Assistant General Freight Agent	S. H. Johnson	"
Assistant General Freight Agent	G. B. Albright	Kansas City, Mo.
Assistant General Freight Agent	R. G. Brown	Minneapolis, Minn.
Assistant General Freight Agent	F. J. Schubert	Chicago.
Passenger Traffic Manager	John Sebastian	"
General Passenger Agent	L. M. Allen	"
General Passenger Agent	Geo. H. Lee	Little Rock, Ark.
Assistant General Passenger Agent	W. J. Lechy	Chicago.
Assistant General Passenger Agent	H. S. Ray	"
General Baggage Agent	Geo. F. Lee	"
Real Estate and Tax Agent	Thos. J. Newkirk.	"

Correspondence concerning this report should be addressed to Frank Nay, General Auditor, Chicago, Ill.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Choctaw, Oklahoma & Gulf Rld. Co.	Sole.	Title to securities.	100 per cent	Direct.
Chicago, Rock Island & El Paso Rly. Co	do.	do.	do.	do.
The Chicago, Rock Island & Gulf Rly. Co	do.	do.	do.	do.
Keokuk & Des Moines Rly. Co	do.	do.	50 per cent	do.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT—CONCLUDED.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Rock Island, Arkansas & Louisiana Rld. Co	do.	do.	100 per cent	Direct.
Kankakee & Seneca Rld. Co	Joint.	do.	50 per cent	do.
Morris Terminal Rly. Co	do.	do.	do.	do.
Peoria Railway Terminal Co	do.	do.	do.	do.
Atchison Union Depot & Rld. Co	do.	do.	12½ per cent	do.
Calumet Western Rly. Co	do.	do.	25 per cent	do.
Iowa Transfer Rly. Co	do.	do.	20 per cent	do.
Kansas City Terminal Rly. Co	do.	do.	10 per cent	do.
Keokuk Union Depot Co	do.	do.	20 per cent	do.
Leavenworth Depot & Rld. Co	do.	do.	16⅔ per cent	do.
Memphis Railroad Terminal Co	do.	do.	10 per cent	do.
Minnesota Transfer Rly. Co	do.	do.	do.	do.
Missouri & Illinois Bridge & Belt Rld. Co	do.	do.	9 1/11 per cent	do.
Pueblo Union Depot & Rld. Co	do.	do.	20 per cent	do.
St. Joseph Union Depot Co	do.	do.	do.	do.
St. Paul Union Depot Co	do.	do.	11⅛ per cent	do.
Terminal Railroad Association of St. Louis	do.	do.	7⅛ per cent	do.
Union Depot Company of Kansas City	do.	do.	9 1/11 per cent	do.
Inactive Corporations.				
Atchison, St. J. & N. Rld. Co	Sole.	Title to securities.	97 per cent.	do.
Atlantic & Audubon Rld. Co	do.	do.	100 per cent.	do.
Atlantic Southern Rld	do.	do.	do.	do.
Avoca, Harlan & N. Rld. Co	do.	do.	do.	do.
Avoca, M. & S. W. Rld. Co	do.	do.	do.	do.
Burlington, C. R. & N. Rly. Co	do.	do.	do.	do.
Cambridge Eastern Rld. Co	do.	do.	do.	do.
Cedar Rapids, I. F. & N. W. Rly. Co.	do.	do.	98 per cent.	do.
Cedar Rapids & Clinton Rly. Co	do.	do.	100 per cent.	do.
Cedar Rapids, G. & N. W. Rly. Co	do.	do.	do.	do.
Chicago, Decorah & M. Rly. Co	do.	do.	do.	do.
Chicago, Kan. & Neb. Rly. Co	do.	do.	do.	do.
Chicago, R. I. & C. Rly. Co	do.	do.	do.	do.
Chillicothe & D. M. C Rld. Co	do.	do.	do.	do.
Choctaw & Memphis Rld. Co	do.	do.	do.	do.
Choctaw & Chickasaw Rld. Co	do.	do.	do.	do.
Choctaw, Oklahoma & W. Rld. Co.	do.	do.	do.	do.
Enid & Anadarko Rly. Co	do.	do.	do.	do.
Enid & Tonkawa Rly. Co	do.	do.	do.	do.
Ft. Leavenworth Rld. Co	do.	do.	do.	do.
Gowrie & Northwestern Rly. Co	do.	do.	do.	do.
Guthrie & Kingfisher Rly. Co	do.	do.	do.	do.
Hazen & Northern Rld. Co	do.	do.	do.	do.
Hot Springs Rld. Co	do.	do.	do.	do.
Iowa City & Western Rly. Co	do.	do.	do.	do.
Kansas City Rock Island Rly. Co	do.	do.	do.	do.
Kansas City & Topeka Rly. Co	do.	do.	do.	do.
Keosauqua & S. W. Rly. Co	do.	do.	do.	do.
Minneapolis & St. P. Term. Rly. Co.	do.	do.	do.	do.
Newton & Monroe Rld. Co	do.	do.	do.	do.
Peoria, Pekin & J. Rld. Co	do.	do.	do.	do.
Peoria Terminal Rly. Co	do.	do.	do.	do.
Preemption Eastern Rld. Co	do.	do.	do.	do.
Rock Island & Peoria Rly. Co	do.	do.	99 per cent.	do.
Rock Island & Mercer Co. Rld. Co.	do.	do.	100 per cent.	do.
St. Louis, K. C. & Colo. Rld. Co	do.	do.	do.	do.
St. Louis Rock Island Term. Rly. Co	do.	do.	do.	do.
South St. Paul Belt Rly. Co	do.	do.	do.	do.
Searcy & Des Arc Rld. Co	do.	do.	do.	do.
St. Joseph & Iowa Rld. Co	do.	do.	do.	do.
Waverly Short Line	do.	do.	do.	do.
Western Oklahoma Rld. Co	do.	do.	do.	do.
Wisconsin, Minn. & Pac. Rly. Co	do.	do.	do.	do.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned.....	Chicago, Ill.....	M. P. 16, Blue Island, Ill..	16.00	
	M. P. 16, Blue Island, Ill..	Rock Island, Ill.....	166.06	
	Rock Island, Ill.....	Council Bluffs, Iowa.....	318.37	
	Jct. U. P. Rld. at South Omaha, Neb.....	Kan.-Neb. line north of Mahaska.....	123.74	
	Kan.-Nebraska line north of Mahaska.....	Phillipsburg, Kan.....	115.16	
	Phillipsburg, Kan.....	Colo.-Kan. line west of Kanorado.....	157.75	
	Colo-Kan. line west of Kanorado.....	Colorado Springs, Colo....	166.84	
	Davenport, Iowa.....	Iowa-Mo. line south of Lineville, Iowa..	192.59	
	Iowa-Mo. line south of Lineville, Iowa	Atchison via St. Joseph, Mo.....	139.79	
	Altamont (jct. line St. Joseph).....	Leavenworth Jct. at Stillings, Mo.....	67.51	
	Edgerton Jct., Mo.....	Rushville Jct.....	24.65	
	Forsyth Jct.....	Windsor.....	211.81	
	Windsor.....	Leeds Jct.....	71.98	
	Jct. with C. R. I. & P.....	Jct. with Belt Line.....	.18	
	St. Joseph, Mo.....	State line south of Caldwell, Kan.....	296.20	
	State line south of Caldwell, Kan.....	State line south of Terral..	223.80	
	Horton Jct., Kan.....	N. W. H. B. of Y. at Horton.....	1.38	
	Jct. line to Caldwell.....	M. P. 172 at Herington, Kan.....	.57	
	M. P. 172 at Herington ...	State line south of Liberal, Kan.....	267.13	
	State line south of Liberal,	State line south of Texhoma, Okla.....	55.64	
	U. P. connection at Armourdale.....	Kansas City, Mo.	2.55	
	Burlington, Iowa.....	Manly, Iowa.....	224.55	
	Northwood, Iowa.....	State line south of Gordonville.	4.14	
	State line south of Gordonville.....	Comus Jct. C. M. & St. P. Rly.....	66.41	
	Rosemont Jct., Minn.....	Newport Jct., Minn.....	12.48	
	Inver Grove, Minn.....	West St. Paul, Minn.....	8.33	
	Jct. south of Albert Lea, Minn.....	North of C. M. & St. P. Rly. crossing	.70	
	Waverly Jct., Iowa.....	Waverly, Iowa.....	5.68	
	Vinton, Iowa.....	State line east of Ellsworth, Minn.....	247.77	
	State line east of Ellsworth.....	State line east of Ward...	55.34	
	State line east of Ward...	Watertown, S. D.....	72.86	
	Gowrie, Iowa	Sibley, Iowa	109.72	
	Jct. line to Salina.....	H. B. stock-yards, Herington	.94	3,428.12
Branches and spurs owned.....	Gresham, Ill.....	South Chicago, Ill.....	7.43	
	Gresham, Ill.....	Blueisland, Ill. (sub. line) .	6.68	
	Peoria, (Bridge street)...	Rock Island (20th street)..	90.49	
	Peoria, Ill.....	Iowa Junction, Ill.....	3.08	
	Milan, Ill.....	Cable, Ill.....	22.37	

ROAD OPERATED, ENTIRE LINE—CONTINUED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Branches and spurs owned	Preemption, Ill.	Sherrard, Ill.	5.00	
	Mt. Zion, Iowa	Keosauqua, Iowa	4.50	
	Newton, Iowa	Monroe, Iowa	17.02	
	Des Moines, Iowa	Winterset, Iowa	41.08	
	Sommerset Jct., Iowa	Indianola, Iowa	6.40	
	Menlo, Iowa	Guthrie, Iowa	14.51	
	Atlantic, Iowa	Audubon, Iowa	25.12	
	Atlantic, Iowa	Griswold, Iowa	14.22	
	Avoca, Iowa	Harlan, Iowa	11.88	
	Avoca, Iowa	Carson, Iowa	17.73	
	Wilton, Iowa	Muscatine, Iowa	11.97	
	Washington, Iowa	Knoxville (Ins. Beason Cut-off)	79.31	
	Horton, Kan.	S. line E. of Du Bois, Neb.	37.11	
	S. line E. of Du Bois, Neb.	Jansen, Neb.	69.96	
	Fairbury, Neb.	Nelson, Neb.	51.65	
	McFarland, Kan.	Belleville, Kan.	108.19	
	Herington, Kan.	Salina, Kan.	48.36	
	Bucklin, Kan.	Dodge City, Kan.	26.57	
	North Enid, Okla.	Billings, Okla.	26.75	
	Kingfisher, Okla.	Cashion, Okla.	16.03	
	Chickasha, Okla.	Lindsay, Okla.	24.75	
	Chickasha, Okla.	Mangum, Okla.	97.78	
	El Reno Cut-off		2.01	
	Enid, Okla.	Greenfield Jct.	67.98	
	Bridgeport, Okla.	Anadarko, Okla.	37.47	
	Anadarko, Okla.	Waurika, Okla.	77.06	
	Chandler, Okla.	Guthrie, Okla.	38.45	
	Lawton, Okla.	Chattanooga, Okla.	20.98	
	Linn Jct., Iowa	Decorah, Iowa.	114.20	
	Postville Jct., Iowa	Postville, Iowa.	3.20	
	Elmira, Iowa, via Bennett.	Davenport, Iowa.	56.76	
	Bennett, Iowa	Clinton, Iowa.	44.34	
	Muscatine, Iowa.	Montezuma, Iowa.	37.31	
	Thornburg, Iowa	What Cheer, Iowa	5.13	
	Elmira, Ia., via Iowa City.	Iowa Jct., Iowa.	20.91	
	Ellsworth, Minn.	State line W. of Ellsworth.	2.35	
	S. line W. of Ellsworth.	State line W. of Granite.	30.28	
	State line W. of Granite.	Sioux Falls, S. D.	9.86	
	Lake Park, Iowa.	S. line E. of Round Lake.	4.26	
	S. line E. of Round Lake.	Hardwick, Minn.	49.06	
	Worthington, Minn.	C. St. P. M. & O. yard.	1.27	
	Trosky, Minn.	Jasper, Minn.	8.71	
	Dows, Iowa.	Germania, Iowa.	70.84	
	Garner, Iowa	Titonka, Iowa	24.70	
	Estherville, Iowa.	State line S. of Bricelyn.	50.76	
	State line S. of Bricelyn.	Albert Lea, Minn.	31.40	
	Coalgate, Okla.	Lehigh, Okla.	6.54	
Lines operated under lease:	De Vall Bluff, Ark.	Searcy, Ark.	37.59	1,784.31
Peoria & B. V. Rly.	Bureau, Ill.	Peoria, Ill.	46.99	
W. & B. R. V. Rly.	Brinkley, Ark.	Jacksonport, Ark.	56.30	
	Wiville, Ark.	Gregory, Ark.	5.96	
L. R. & H. S. W. Rly.	Hot Springs Jct., Ark.	Benton, Ark.	21.97	
C., Okla. & G. Rld.	Benton, Ark.	Hot Springs, Ark.	34.97	
	Butterfield, Ark.	Malvern, Ark.	5.27	
	Ardmore Jct., Okla.	Ardmore, Okla.	117.65	
	Tecumseh, Okla.	Asher, Okla.	25.41	
	Geary, Okla.	S. line N. of Amorita, Ok.	106.31	
	State Line N. of Amorita,	Anthony, Kan.	14.73	
	Ingersoll, Okla.	Alva, Okla.	15.56	
	Wilburton, Okla.	Haileyville, Okla.	8.57	
	Hopefield, Ark.	State line W. of Hartford,	282.34	
	State Line W. of Hartford,	State line W. of Texola.	365.16	
A. & L. Rld. Co.	Haskells, Ark.	H. B. Tinsman, Ark.	64.85	
	H. B. Tinsman, Ark.	El Dorado, Ark.	35.56	
	Maine Line Wye	El Dorado, Ark.	.25	
	Alexandria, La.	Eunice, La.	55.37	
	El Dorado, Ark.	Ark.-La. state line at Junction City	16.63	
	Ark.-La. State Line at Junction City	Packton, La.	92.37	
			43.27	
	H. B. Tinsman, Ark.	Crossett, Ark.		1,415.49

ROAD OPERATED, ENTIRE LINE—CONCLUDED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Line operated under contract or agreement:				
Keokuk & Des M. Rly. Co.	Keokuk, Iowa	Des Moines, Iowa	162.31	162.31
Lines operated under trackage rights:				
Chicago, M. & St. P. Rly. Co.	Newport, Minn.	St. Paul, Minn.	8.15	
Chicago, B. & Q. Rly. Co.				
Chicago, M. & St. P. Rly. Co.	At St. Paul, Minn.		.79	
Chicago, St. P. M. & O. Rly. Co.				
Chicago, M. & St. P. Rly. Co.	St. Paul, Minn.	Minneapolis, Minn.	10.12	
	Comus Junction, Minn.	Rosemount, Minn.	27.06	
Iowa Central Rly. Co.	Manly Junction, Iowa	Northwood, Iowa	11.32	
Peoria & Pekin Union Rly. Co.	Peoria (Bridge street)	Peoria (Union Depot)	.22	
Union Pac. Rld. Co.	Council Bluffs, Iowa	State line south of Omaha.	2.12	
	State line south of Omaha.	South Omaha, Neb.	4.90	
	Kansas City, Mo.	State line at Kansas City.	.50	
	State line at Kansas City.	North Topeka, Kan.	66.85	
	Limon, Colo.	Denver, Colo.	89.78	
Chicago, B. & Q. Rly. Co.	Cameron Junction, Mo.	Kansas City, Mo.	54.30	
	Harlem, Mo.	Rushville, Mo.	45.76	
St. Joseph & Grand Island Rly. Co.	St. Jo. Jct. of R. I., Mo.	State line west of St. Joseph, Mo.	.15	
	State line west of St. Joseph, Mo.	Elwood Jct. with R. I., Kan.	.21	
Atchison Bridge Co.	Winthrop, Mo.	State line	.19	
	State line.	Atchison, Kan.	.18	
Leavenw. Term. Rly. & Bridge Co.	Stillings, Mo.	State line.	.76	
	State line.	Leavenworth, Kan.	.84	
Wabash Rld. Co.	St. Louis Un. Station, Mo.	Forsyth Jct., Mo.	4.55	
Kan. City Belt Rly. Co.	Jct. with Kan. City Belt.	Jct. with St. L. & S. F. Rld.	5.81	
St. Louis & San. F. Rld. Co.	Leeds Jct., Mo.	Jct. with C. R. I. & P. Rly.	2.49	
	Jct. with St. L. & S. F. Rld.	Kansas City	1.68	
	Memphis Union Depot.	Bridge Siding, Ark.	3.85	
Des Moines & Fort Dodge Rld. Co.	Des Moines, Iowa.	Gowrie, Iowa.	66.63	
Keokuk Union Depot Co.	Union Sta. at Keokuk, Ia.		.09	
Denver & Rio Grande Rld. Co.	Denver, Colo.	Pueblo, Colo.	119.60	
A. T. & S. F. Rly. Co.	At Lindsay, Okla.		.75	
	Cashion, Okla.	Guthrie, Okla.	18.75	
Kansas Southw. Rly. Co.	Anthony, Kan.	Caldwell, Kan.	25.70	
Louisiana & Arkan. Rly. Co.	Packton, La.	Pineville, La.	35.20	
Louisiana Railway & Navigation Co.	Pineville, La.	Con. with L. R. & N., south of Alexandria, Depot.	2.69	
				611.50
Total.				7,401.73

ADDITIONS AND BETTERMENTS EXPENDITURES.

Account.	Total.
Right of way, station grounds, and real estate	$79,276 76
Widening cuts and fills	128,778 72
Grade revisions and changes of line	28,199 11
Bridges, trestles, and culverts	554,257 28
Increased weight of rail	182,871 77
Ballast	445,916 64
Additional main tracks	1,594 24
Sidings, spur tracks, and terminal yards	1,015,825 79
Fencing right of way and improvement of over and under grade crossings	13,655 12
Track elevation, elimination of grade crossings, etc	15,024 00
Interlocking, block, and other signal apparatus	203,715 38
Telegraph and telephone lines	60,133 90
Station buildings and fixtures	168,501 74
Shops, engine-houses, and turntables	363,567 00
Shop machinery and tools	4,907 76
Water and fuel stations	197,208 67
Grain elevators and storage warehouses	67,194 59
Electric light and power plants	188 10
Gas-producing plants	211 40
Total	$3,531,027 97

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$186,186,644 33	Cost of road, equipment and general expenditures	$189,746,814 43	$3,560,170 10	
37,032,627 74	Stocks owned	28,017,969 12		$9,014,658 62
39,303,118 02	Funded debt owned	47,923,079 78	8,619,961 76	
7,533,550 00	Other permanent investments	8,674,424 90	1,140,874 90	
5,625,246 69	Advances to subsidiary companies	6,114,428 48	489,181 79	
639,949 98	Lands owned	641,991 02	2,041 04	
18,774,011 43	Cash and current assets	12,284,218 31		6,489,793 12
4,238,048 48	Materials and supplies	5,007,025 42	768,976 94	
861,685 93	Sundries and other assets	45,767 78		815,918 15
$300,194,882 60	Grand totals	$298,455,719 24		$1,739,168 36
	Liabilities.			
$75,000,000 00	Capital stock	$75,000,000 00		
183,371,000 00	Funded debt	189,595,541 00	$6,224,541 00	
20,209,841 36	Current liabilities	13,933,820 42		$6,276,020 94
1,050,906 50	Accrued interest on funded debt not yet payable	1,128,226 76	77,320 26	
345,349 02	Deferred liabilities	13,038,56		332,310 46
509,966 45	Renewal funds	2,302,934 97	1,792,968 52	
40,338 61	Hospital fund	47,401 63	7,063 02	
2,108,279 54	Special improvement and equipment funds	2,043,171 52		65,108 02
445,319 39	Insurance fund	432,638 46		12,680 93
17,113,881 78	Profit and loss	13,958,945 92		3,154,935 81
$300,194,882 60	Grand totals	$298,455,719 24		$1,739,163 36

JOPLIN & PITTSBURG RAILWAY COMPANY (ELECTRIC).

HISTORY.

The Joplin & Pittsburg Railway Company was organized June 9, 1907, under the laws of the state of Missouri (Revised Statutes of Missouri, 1899, art. 2, chap. 12, amended Laws 1903, p. 136).

This company was formed by a consolidation of the Pittsburg Railway and Light Company and the Joplin & Pittsburg Street Railroad Company, both being purchased by the Joplin & Pittsburg Railway Company. Consent to the purchase of the above properties filed in the office of the secretary of the state of Missouri, June 11, 1907, as required by section 1061, Revised Statutes of Missouri, 1899, amended Laws of 1903, p. 127.

This company is not a reorganized company, and it operates its own road.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Joseph J. Heim	Kansas City, Mo	May, 1909.
J. W. Ground	"	"
John A. Prescott	"	"
W. W. Calhoon	Carthage, Mo.	"
Fred H. Fitch	"	"
R. E. Richardson	Kansas City, Mo	"
H. W. Noble	Detroit, Mich	"
D. L. Robinson	Buffalo, N. Y.	"
T. K. Irwin	"	"
Edward C. Wright	Kansas City, Mo	"
C. G. Hutchison	"	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

By vote of all the stockholders all the stock of this company has been transferred to the joint names of Joseph J. Heim, John W. Ground and Jno. A. Prescott, who alone have authority to vote the same, except that a sufficient number of shares to qualify each director remains standing in each several name.

Date of last meeting of stockholders for election of directors, June 10, 1907.

Total number of stockholders at date of last election, 12.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Three of the largest security holders hold securities as trustees.

OFFICERS.

Title.	*Name.*	*Address.*
Chairman of the Board	Joseph J. Heim	Kansas City, Mo.
President	Joseph J. Heim	"
First Vice-president	W. W. Calhoon	Carthage, Mo.
Secretary and Treasurer	John A Prescott	Kansas City, Mo.
Attorney	Edward C. Wright	"
Auditor	T. P. Eyestone	Pittsburg Kan.
General Manager	R. W. Harris	"
Chief Engineer	F. J. Pilgrim	"
Division Superintendent	Robert Biles	"
Division Superintendent	W. C. Shultz	Joplin, Mo.
General Freight Agent	W. E. Tate	Pittsburg, Kan.

Correspondence concerning this report should be addressed to R. W. Harris, General Manager, Pittsburg, Kan.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned.....	Frontenac.....	Columbus.....	28.74	
	Scammon.....	Mineral.....	5.46	
				34.20
Branches and spurs owned.....	Frontenac.....	Columbus.....	3.61	
	Scammon.....	Mineral.....	.01	
				3.62

CAPITAL STOCK.

All of the capital stock of the Joplin & Pittsburg Railway Company was issued prior to June 30, 1907, for construction of new properties, additions and betterments and purchase of railway and other property. Of the total of $5,000,000 of capital stock there was issued at present outstanding and not held by respondent company $2,800,000, which was retained by the construction and underwriting syndicate on account of construction, additions, betterments and purchase of property in the states of Missouri and Kansas, the amounts applicable to each item not yet segregated nor determinable by the railway company, as the road is not yet fully constructed nor betterments completed. There is held for the treasury purposes of the company $2,200,000 not available for present issue, nor until construction of additional lines is begun, and being so held is, together with authorized but unissued bonds, not carried in general balances until the amounts and their appropriation can be determined.

ADDITIONS AND BETTERMENTS EXPENDITURES.

Since June 30, 1907, the main line and sidings on line from Scammon to Mineral have been completed. Since June 30, 1908, the air line from Pittsburg to the Missouri state line has been finished sufficiently to operate, and the equipment has been purchased for said line. Operation began October 1, 1908, at which date the air line was turned over for operation to this company. This will appear in 1909 returns. New rail has been laid on Broadway and Fourth streets, Pittsburg, Kan. A new bridge has been constructed over Cow creek, in Crawford county. The cost of this work has not been shown, and for the reasons heretofore mentioned cannot be itemized until final vouchers are received.

TRAFFIC AND MILEAGE STATISTICS, STATE OF KANSAS.

Item.	No. of passengers.	Revenue and rates.
Passenger traffic:		
Number of passengers carried earning revenue	2,893,269	
Total passenger revenue		$186,525.84
Average amount received from each passenger		.06384
Passenger service train revenue per mile of road		5,041.28910
Passenger service train revenue per train mile		.19708
Freight traffic:		
Total freight revenue		$3,777.55
Freight revenue per mile of road		102.04
Freight revenue per train mile		.20898
Total traffic:		
Operating revenues		$190,303.39
Operating revenues per mile of road		5,143.33
Operating revenues per train mile		.19731
Operating expenses		100,224.60
Operating expenses per mile of road		2,708.77
Operating expenses per train mile		.10891
Net operating revenue		90,078.79
Net operating revenue per mile of road		2,434.56

OPERATING EXPENSES, ENTIRE LINE.

Total maintenance of way and structures	$11,484 87
Total maintenance of equipment	9,245 17
Total transportation expenses	61,442 23

This is the first statement made by this company. There have been no new stock issues and no financial changes since its organization.

This company issued on June 10, 1907, and now has outstanding in the hands of other than this company—

Stocks	$2,800,000 00
Bonds	2,800,000 00

Out of the proceeds of these stocks and bonds the roads purchased were to be paid for; the betterments and additions done; the right of way for new lines in Missouri and Kansas to be purchased and paid for, and new lines to be completed, equipped and turned over to this company subject only to the first mortgage of the company securing said issue of bonds. Vouchers are now being segregated, arranged and tabulated, but during construction, not yet completed, it has been impossible to segregate and tabulate these items so as to make the statements required prior to next return.

The company has no assets except its completed lines and terminals, its franchises and earnings, and has no liabilities not represented by the outstanding stocks and bonds.

CONTRACTS AND AGREEMENTS.

This company has no contracts of any kind, except with the United States government for the carrying of United States mail at the regular government prices.

EMPLOYEES AND SALARIES, STATE OF KANSAS.

Class.	No.	Total number days worked.	Total yearly compensation.	Average daily compensation.
General officers	1	366	$2,600 00	.....
General office clerks	3	1,098	2,580 00	$2 45
Enginemen	4	1,464	2,940 00	2 05
Firemen	4	1,464	2,400 00	1 63
Conductors	28	10,248	17,524 08	1 71
Other trainmen (motormen)	28	10,248	17,524 08	1 71
Machinists	2	628	1,647 00	2 25
Carpenters	1	314	1,020 50	3 25
Other shop men	4	1,256	2,512 00	2 00
Section foremen	3	942	1,980 00	2 10
Other trackmen	18	5,652	8,478 00	1 50
Telegraph operators and dispatchers	2	732	1,560 00	2 11
All other employees and laborers	3	1,098	1,198 46	1 09
Total (including general officers)	.....	.....	$62,708 12	
Less general officers	.....	.....	2,600 00	
Total (excluding general officers)	.....	.....	$60,108 12	
Distribution of above:				
Maintenance of way and structures	.....	.....	$10,458 00	
Maintenance of equipment	.....	.....	3,923 50	
Transportation expenses	.....	.....	41,948 16	
General expenses	.....	.....	6,378 46	
Total (including general officers)	.....	.....	$62,708 12	

ACCIDENTS TO PERSONS, STATE OF KANSAS.

	Injured.	Total.
From the movement of trains, locomotives or cars:		
Railway employees	1	
Passengers	10	
Other persons	19	
		30
From causes other than the movement of trains, locomotives or cars:		
Other persons than employees, passengers and postal clerks	2	2
Grand total	.....	32

KANSAS SOUTHWESTERN RAILWAY COMPANY.

HISTORY.

The Kansas Southwestern Railway Company was organized October 24, 1901, under the statutes of Kansas, 1889, and as amended by the legislature of 1898. It is a reorganized company, the original corporation being the Kansas Southwestern Railroad Company, organized December 28, 1898.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
E. L. Kingsbury	Arkansas City, Kan	December 31, 1908.
J. E. Hurley	Topeka, Kan	"
H. B. Lautz	"	"
E. L. Copeland	"	"
A. Douglas	St. Louis, Mo	"
A. J. Davidson	"	"
C. R. Gray	"	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

Name.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
E. L. Kingsbury	1	$100 00	
J. E. Hurley	1	100 00	
H. B. Lautz	1	100 00	
E. L. Copeland	1	100 00	
A. Douglas	1	100 00	
A. J. Davidson	1	100 00	
C. R. Gray	1	100 00	
Central Trust Co. of N. Y	3,613	361,300 00	

Date of last meeting of stockholders for election of directors, November 7, 1907. Total number of stockholders at date of last election, 8.

Each share of stock has one vote.

No issue of securities has contingent voting rights nor special privileges in the election of directors.

Of the ten largest security holders, the Central Trust Company of New York holds as trustee securities for the A. T. & S. F. Railway and St. L. & S. F. Railway as beneficiaries.

OFFICERS.

Title.	*Name.*	*Location of office.*
President	E. L. Kingsbury	Arkansas City, Kan.
Secretary	H. R. M. Smith	"
Treasurer	W. E. Wilcox	"
Auditor	H. R. M. Smith	"
General Manager	E. L. Kingsbury	"
Traffic Manager	E. L. Kingsbury	"

Correspondence concerning this report should be addressed to H. R. M. Smith, Secretary and Auditor, Arkansas City, Kan.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned: Kansas Southwestern Rly. Co	Arkansas River, at Arkansas City, Kan.	Anthony, Kan.	59.35	
Line operated under trackage rights:	Bridge across Arkansas River and track into Arkansas City, Kan.		.35	
	Junction with A. T. & S. F. Rly. at Caldwell, Kan., into Caldwell station		.90	
Total				60.60

ADDITIONS AND BETTERMENTS EXPENDITURES.

ACCOUNT.	Total.
Right of way and station grounds	$53 08
Sidings and spur tracks	688 00
Fencing right of way	145 59
Total, entire line	$886 67

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	ASSETS.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$362,000 00	Cost of road	$362,000 00		
4,308 93	Cash and current assets	9,369 76	$5,065 83	
7,688 58	Materials and supplies	12,028 16	4,389 58	
80,510 92	Profit and loss	105,554 89	25,043 97	
$454,453 43	Grand totals	$488,952 81	$34,499 38	
	LIABILITIES.			
$362,000 00	Capital stock	$362,000 00		
92,453 43	Current liabilities	126,952 81	$34,499 38	
$454,453 43	Grand totals	$488,952 81	$34,499 38	

THE KANSAS CITY BELT RAILWAY COMPANY.

HISTORY.

The Kansas City Belt Railway Company was organized March 13, 1886, under the laws of the state of Missouri, article 2, chapter 21, Revised Statutes 1879, and under the laws of Kansas, article 2, chapter 84, Dassler's Compiled Laws. This company was formed March 13, 1886, by consolidation of the Kansas City Belt Railway Company, a corporation organized under the general laws of Missouri June 27, 1882, with the Kansas City Belt Railroad Company, a corporation organized under the general laws of Kansas March 25, 1885. Said consolidation was carried out in conformity with the general laws of Missouri and Kansas.

The consolidation was made March 13, 1886. The said constituent companies were organized under the provisions of the laws above referred to and those contained in chapter 23 of said laws of Kansas.

This company is not a reorganized company, and operates its own road.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
J. E. Hurley	Topeka, Kan.	October 8, 1908.
W. B. Jansen	Chicago, Ill.	"
F. C. Fox	Topeka, Kan.	"
E. W. McKenna	Chicago, Ill.	"
J. H. Hiland	"	"
A. J. Davidson	St. Louis, Mo.	"
C. R. Gray	"	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value common stock.
The Atchison, Topeka & Santa Fe Rly. Co.	2,497	$249,700 00
Union Trust Co.	250	25,000 00
Chicago, Milwaukee & St. Paul Rly. Co.	1,098	109,800 00
The Kansas City, Fort Scott & Memphis Rly. Co.	448	44,800 00
R. Mather and C. W. Hillard	1,200	120,000 00
Seven Directors, one share each	7	700 00

Date of last meeting for election of directors, October 8, 1907. Total number of stockholders at date of last election, 12.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the ten largest security holders hold securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
President	J. E. Hurley	Topeka, Kan.
First Vice-president	A. J. Davidson	St. Louis, Mo.
Secretary	C. C. Ripley	Kansas City, Mo.
Treasurer	E. L. Copeland	Topeka, Kan.
Assistant to President	H. B. Lautz	"
Attorneys	Lathrop, Morrow, Fox & Moore	Kansas City, Mo.
Auditor	C. C. Ripley	"
Chief Engineer	C. A. Morse	Topeka, Kan.
Superintendent	D. W. Rider	Kansas City, Mo.

Correspondence concerning this report should be addressed to C. C. Ripley, Auditor, Kansas City, Mo.

SWITCHING AND TERMINAL PROPERTY OPERATED.

NAME.	Location.	Character of business.	Miles of main track.	Miles of yard tracks and sidings.	Total.
The Kansas City Belt Rly. Co	Kansas City, Mo., and Kansas City, Kan.	Switching and furnishing terminal facilities	10.02	44.61	54.63

ADDITIONS AND BETTERMENTS EXPENDITURES.

ACCOUNT.	Total.
Bridges, trestles, and culverts	$211,469 23
Sidings and spur tracks	1,652 96
Terminal yards	74,728 52
Improvement of over and under grade crossings	68 74
Shops, engine-houses, and turntables	3,738 86
Total, entire line	$291,657 81

PROFIT AND LOSS ACCOUNT.

ITEM.	Dr.	Cr.
Balance June 30, 1907		$177,157 09
Balance for year brought forward from income account	$32,832 06	
Deductions for year: Kaw River bridge damaged in flood of 1903, prevented from rebuilding by the courts, and piers finally removed as obstructions to navigation, etc	38,195 96	
Balance credit June 30, 1908, to balance-sheet	106,129 07	
Totals	$177,157 09	$177,157 09

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$2,400,560 81	Cost of road	$2,683,368 47	$282,807 66	
149,997 47	Cost of equipment	149,997 47		
400,736 76	General expenditures	409,586 91	8,850 15	
287,288 14	Improvement—suspense	878 79		$286,409 35
206,769 96	Cash and current assets	239,639 49	32,869 53	
33,949 44	Materials and supplies	23,866 52		10,082 92
23,218 41	Sundries and other assets	22,525 41		693 00
$3,502,520 99	Grand totals	$3,529,863 06	$27,342 07	
	Liabilities.			
$550,000 00	Capital stock	$550,000 00		
2,500,000 00	Funded debt	2,500,000 00		
245,575 78	Current liabilities	339,274 72	$93,698 94	
23,412 46	Locomotive replacement	32,838 72	4,426 26	
1,375 66	Work equipment replacement	1,620 55	244 89	
177,157 09	Profit and loss	106,129 07		71,028 02
$3,502,520 99	Grand totals	$3,527,863 06	$27,342 07	

THE KANSAS CITY, FORT SCOTT AND MEMPHIS RAILWAY COMPANY.

HISTORY.

The Kansas City, Fort Scott & Memphis Railway Company was organized June 14, 1901, under the general statutes of Kansas. It is a reorganized company. The original Kansas City, Fort Scott & Memphis Railroad Company was organized under the laws of Missouri, Kansas and Arkansas April 24, 1888. The property of respondent company is operated by the St. Louis & San Francisco Railroad Company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Geo. F. Boggs	New York, N. Y.	June 14, 1909.
Mark F. Cox	"	"
A. J. Davidson	St. Louis, Mo.	"
C. W. Hillard	New York, N. Y.	"
F. L. Hine	"	"
V. J. Lane	Kansas City, Kan.	"
Robt. Mather	Chicago, Ill.	"
J. H. Moore	"	"
W. H. Moore	New York, N. Y.	"
D. G. Reid	"	"
R. R. Vermillion	Wichita, Kan.	"
W. A. Wykoff	Oswego, Kan.	"
B. F. Yoakum	New York, N. Y.	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
St. Louis & San Francisco Rld. Co.	285,045	$14,994,500 00	$13,510,000 00
B. F. Yoakum	11	1,100 00	
C. W. Hillard	10	1,000 00	
W. A. Wykoff	5	500 00	
R. R. Vermillion	5	500 00	
V. J. Lane	5	500 00	
A. J. Davidson	4	400 00	
Geo. T. Boggs	2	200 00	
F. L. Hine	2	200 00	
J. H. Moore	2	200 00	

Date of last meeting of stockholders for election of directors, June 8, 1908. Total number of stockholders at date of last election, 17.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the ten largest security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
Chairman of the Board	D. G. Reid	New York, N. Y.
Chairman Executive Committee	B. F. Yoakum	"
President	A. J. Davidson	St. Louis, Mo.
First Vice-president	Robt. Mather	New York, N. Y.
Second Vice-president	C. R. Gray	St. Louis, Mo.
Third Vice-president	W. B. Biddle	Chicago, Ill.
Fourth Vice-president	A. Douglas	St. Louis, Mo.
Fifth Vice-president	C. R. Thompson	"
General Solicitor	W. F. Evans	"
General Counsel	Robt. Mather	New York, N. Y.
Secretary and Treasurer	W. A. Wykoff	Oswego, Kan.
Assistant Secretary and Treasurer	F. H. Hamilton	St. Louis, Mo.
Comptroller	C. W. Hillard	New York, N. Y.
Assistant Secretary and Treasurer	T. H. Heed	"
General Auditor	W. A. Wykoff	Oswego, Kan.
Assistant Secretary	J. Lucas Turner	St. Louis, Mo.

Correspondence concerning this report should be addressed to A. J. Davidson, President, 906 Olive street, St. Louis, Mo.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect[1]
Active Corporations.				
K. C. M. & Birmingham Rld. Co.	Sole.	Stock ownership.	100 per cent.	Direct.
K. C. & Memphis Rly. & Brdg. Co.	do.	do.	do.	do.
Bonnerville & S. W. Rld. Co.	do.	do.	do.	do.
Tyronza Central Rly. Co.	do.	do.	do.	do.
K. C. Belt Rly. Co.	Joint.	do.	30 per cent.	do.
Union Depot Co., K. C. Mo.	do.	do.	9 per cent.	do.

The respondent carrier is directly controlled by the St. Louis & San Francisco Railroad Co., through stock ownership, and the property is leased to and operated by said St. L. & S. F. Rld. Co.

ROAD LEASED OR OTHERWISE ASSIGNED FOR OPERATION.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Kan. City, Fort Scott & Memphis Rly. Co.*	Kansas City	Memphis	487.78	
	Linton	Rich Hill	20.78	
	Washburn	Web City	80.17	
	Arcadia	Cherryvale	74.50	
	Weir City Junction	Weir City	3.94	
	Deckerville	Luora	36.30	
	Greenfield	Aurora	37.67	
	Baxter	Miami	13.07	
	Willow Springs	Grandin	81.95	
	Miami	Afton	13.09	
	Jacques Junction	Extension	1.06	
	Evadale	Big Creek	16.50	
	Bonnerville	Estico	35.75	
	Tyronza	End of track	11.40	

*St. Louis & San Francisco Rld. Co., lessee.

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$70,218,810 00	Franchises and property	$70,575,810 00	$357,000 00	
	Liabilities.			
$28,510,000 00	Capital stock	$28,510,000 00	.....	
41,180,502 00	Funded debt.....	41,524,400 00	$343,898 00	
486,000 00	Canceled bonds.....	486,000 00	.....	
42,308 00	Canceled equipment notes	55,410 00	13,102 00	
$70,218,810 00	Grand totals.....	$70,575,810 00	$357,000 00	

THE KANSAS CITY SOUTHERN RAILWAY COMPANY.

HISTORY.

The Kansas City Southern Railway Company was organized March 19, 1900, under the laws of the state of Missouri, as successor to the Kansas City, Pittsburg & Gulf Railroad Company, whose property was sold at foreclosure March 19, 1900. The new company assumed possession April 1, 1900.

Kansas City, Pittsburg & Gulf Railroad Company, formerly Kansas City, Nevada & Fort Smith Railroad Company, incorporated under the laws of the state of Missouri; organized November 6, 1889; name changed January 26, 1893.

Kansas City Suburban Belt Railroad Company is composed of the following companies, which were consolidated on July 25, 1892, viz.: The Kansas City Suburban Belt Railroad Company, incorporated under the laws of the state of Missouri, organized January 6, 1887; Consolidated Terminal Railway Company of Kansas City, incorporated under the laws of the state of Missouri, organized May 21, 1891.

Kansas City & Independence Air Line, incorporated under the laws of the state of Missouri, organized January 23, 1891.

Union Terminal Railroad Company, incorporated under the laws of the state of Kansas, organized December 30, 1891.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Hermann Sielcken	New York, N. Y.	May 11, 1909.
L. F. Loree	" "	"
J. A. Edson	Kansas City, Mo.	"
D. G. Boissevain	New York, N. Y.	"
Col. S. W. Fordyce	St. Louis, Mo.	"
John J. Mitchell	Chicago, Ill.	"
James A. Blair	New York, N. Y.	"
Walter T. Rosen	" "	"
Wm. F. Harrity	Philadelphia, Pa.	"
Geo. M. Craig	Port Arthur, Tex.	"
Adolphus Busch	St. Louis, Mo.	"
W. G. Street	New York, N. Y.	"
Hugo Blumenthal	" "	"
Andrew J. Miller	" "	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
Amsterdamsch Trustees Kantoor	54,274	$3,485,200 00	$1,942,200 00
Boissevain, Adolph & Co	105,825	6,911,000 00	3,671,500 00
Halgarten & Co	8,930	668,500 00	224,500 00
Hope & Co	8,715	799,000 00	72,500 00
Hume & Co	8,108	770,100 00	40,700 00
Ladenburg, Thalman & Co	38,095	1,760,000 00	2,049,500 00
Savin, F. W. & Co	16,600	810,000 00	850,000 00
Sielcken, Hermann	26,072	537,200 00	2,070,000 00
J. Sorenson	8,000	300,000 00	500,000 00
Ten Have and Van Essen	8,420	746,000 00	96,000 00

Date of last meeting of stockholders for election of directors, May 12, 1908. Total number of stockholders at date of last election, 834.

Each share of stock has one vote.

No issue of securities has contingent voting rights, or special privileges in the election of directors.

None of the ten largest security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
Chairman of the Board	Hermann Seilcken	New York, N. Y.
Chairman Executive Committee	L. F. Loree	"
President	J. A. Edson	Kansas City, Mo.
Vice-president	John Sorenson	New York, N. Y.
Vice-president in charge of traffic	E. F. Cost	Kansas City, Mo.
Vice-president, Auditor, and Ass't Secretary	R. J. McCarty	"
Secretary	R. B. Sperry	New York, N. Y.
Treasurer	H. Vesscher	Kansas City, Mo.
General Counsel	Samuel Untermyer	New York, N. Y.
General Solicitor	S. W. Moore	Kansas City, Mo.
Assistant Attorney	F. H. Wood	"
Assistant Auditor	F. W. Meyer	"
Freight and Passenger Accountant	P. E. Wooley	"
General Manager	W. Coughlin	"
Resident Engineer	A. F. Rust	"
Superintendent, Northern Division	F. B. DeGarmo	Pittsburg, Kan.
Superintendent, Southern Division	L. H. Luke	Texarkana, Tex.
Superintendent, Kansas City Terminal Division	W. J. Donovan	Kansas City, Mo.
Superintendent Transportation	C. C. Riley	"
Superintendent Machinery	F. R. Cooper	Pittsburg, Kan.
Superintendent of Telegraph	R. L. Logan	Kansas City, Mo.
Purchasing Agent	L. F. Jordan	"
General Freight Agent	E. E. Smythe	"
Assistant General Freight Agent	H. A. Weaver	"
Assistant General Freight Agent	C. E. Perkins	"
Assistant General Freight Agent	R. R. Mitchell	Texarkana, Tex.
General Passenger and Ticket Agent	S. G. Warner	Kansas City, Mo.
Freight Claim Agent	W. E. Church	"
Superintendent Car Service	J. P. Spivey	"

Correspondence concerning this report should be addressed to R. J. McCarty, Vice-president and Auditor, Kansas City, Mo.

ROAD OPERATED, ENTIRE LINE.

Name.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Line represented by capital stock—				
Main line:				
K. C. Southern Rly. Co.	Kansas City	Belt Junction	11.97	
	Grandview, Mo.	Mena, Ark.	356.59	
Branches and spurs:				
Ft. Smith branch	Spiro, Okla.	Ft. Smith, Ark.	16.16	384.72
Proprietary companies whose entire capital stock is owned by this company—				
Main line:				
T. & Ft. S. Rly.	Mena, Ark.	South bank Red river	98.39	
	South bank Red river	Tex. & Ark. line	31.42	
	Tex. & Ark. line	Ark. & La. line	6.42	
	Sabine river	Port Arthur, Tex.	49.68	
Main line:				
K. C. S. & G. Rly.	Ark. & La. line	Sabine river	222.79	
Branches and spurs:				
Lake Charles br'ch,	De Quincey, La.	Lake Charles, La.	22.59	
Line operated under trackage rights:				431.29
St. L. & S. F. Rld.	Belt Junction, Mo.	Grandview, Mo.	11.08	
				11.08
Total mileage				827.04

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect
Active Corporations.				
The Arkansas Western Rly. Co....	Sole.	Title to securities.	All.....	Direct.
Kansas City, S. & G. Rly. Co.....	do.	do.	do.....	do.
Kansas City, S. & G. Term. Co.....	do.	do.	All stock.....	do.
Maywood, Sugar Creek Rly. Co....	do.	do.	do.	do.
Texarkana & Ft. Smith Rly. Co....	do.	do.	All.....	do.
Port Arthur Canal & Dock Co.....	do.	do.	do.	do.
Inactive Corporations.				
Central Rld. of La.....	do.	do.	All stock outstanding.	do.
Hot Springs, O. & M. Rly. Co.....	do.	do.	All.....	do.

Respondent corporation is not controlled by any other corporations.

PROFIT AND LOSS ACCOUNT.

	Dr.	Cr.
Balance June 30, 1907	.....	$2,376,437 54
Balance for year brought forward from income account.....	.....	1,613,271 84
Deductions for year:		
Dividends declared out of surplus on preferred stock.....	$840,000 00	
Balance credit June 30, 1908, carried to balance sheet.....	3,149,709 38	
Totals	$3,989,709 38	$3,989,709 38

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	ASSETS.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$81,287,124 93	Cost of road.....	$67,207,339 22	.....	$14,079,785 71
5,457,821 52	Cost of equipment.....	5,797,357 80	$339,536 28	
320,489 20	Stocks owned.....	1,049,713 81	729,224 61	
100,000 00	Funded debt owned.....	21,367,500 00	21,267,500 00	
415,022 56	Other permanent investments....	650,491 66	235,469 10	
132,786 87	Lands owned.....	124,381 26	.....	8,405 61
3,659,394 39	Cash and current assets.....	2,311,436 24	.....	1,347,958 15
800,063 76	Materials and supplies.....	922,323 52	122,259 76	
$92,172,708 23	Grand totals	$99,430,543 51	$7,257,840 28	
	LIABILITIES.			
$51,000,000 00	Capital stock	$51,000,000 00	.....	
36,570,000 00	Funded debt.....	43,185,660 00	$6,615,660 00	
1,990,060 69	Current liabilities.....	1,856,964 53	.....	133,096 16
236,205 00	Accrued interest on funded debt not yet payable.....	238,209 60	2,004 60	
2,376,437 54	Profits and loss.....	3,149,709 38	773,271 84	
$92,172,708 23	Grand totals.....	$99,430,543 51	$7,257,840 28	

THE KANSAS CITY, MEXICO & ORIENT RAILWAY COMPANY.

HISTORY.

The Kansas City, Mexico & Orient Railway Company was organized April 30, 1900. It was incorporated under the general laws of the state of Kansas, under the name of the Kansas City, Mexico & Orient Railway Company. This company is not a consolidated or reorganized company, and operates its own road.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Arthur E. Stilwell	Kansas City, Mo.	
W. S. Woods	" "	
J. T. Odell	New York, N. Y.	
Wm. A. Rule	Kansas City, Mo.	
W. W. Sylvester	" "	
Hugh C. Ward	" "	
Robert A. Long	" "	
H. Clay Arnold	" "	
H. F. Hall	" "	
Edward Dickinson	" "	
J. S. Loose	" "	
D. W. Mulvane	Topeka, Kan.	First Tuesday in May, 1909.
Rolla Wells	St. Louis, Mo.	
Don Pablo Macedo	Mexico City, Mexico	
Isidro Diaz Lombardo	" "	
Manuel Calero	" "	
C. W. Whitehead	Kansas City, Mo.	
Lee Clarke	" "	
F. P. Neal	" "	
G. M. Smith	" "	
John Ringling	Chicago, Ill.	
A. Monroe	Lawrence, Kan.	
P. W. Goebel	Kansas City, Kan.	
C. J. Hubbard	Kansas City, Mo.	

TEN LARGEST HOLDERS OF VOTING SECURITIES.

Name.		Par value of stock held.	
		Common.	Preferred.
A. E. Stilwell W. W. Sylvester Wm. A. Rule W. S. Woods Robert H. Law H. J. Chinnery D. J. Neame Lewis Rendell Harold D. Arbuthnot Alleyne A. Boxall	Voting trustees.	$9,207,500	$10,996,500

Date of last meeting of stockholders for election of directors, May 11, 1908. Total number of stockholders at date of last election, 34.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

All of the ten largest security holders hold securities as trustees.

There are several thousand voting trust certificate holders.

OFFICERS.

Title.	*Name.*	*Official address.*
President	A. E. Stilwell	Kansas City, Mo.
Vice-president	Enrique C. Creel	Chihuahua, Mex.
Vice-president	W. W. Sylvester	Kansas City, Mo.
Vice-president	Edward Dickinson	"
Vice-president	George Crocker	New York, N. Y.
Vice-president	J. S. Braithwaite	London, England.
Secretary	Neal S. Doran	Kansas City, Mo.
Treasurer	E. E. Holmes	"
Assistant Secretary	J. Crosland Taylor	London, England.
General Solicitor	John A. Eaton	Kansas City, Mo.
General Counsel	J. McD. Trimble	"
General Attorney	Hugh C. Ward	"
Attorney for Mexico	D. J. Haff	"
Auditor	Neal S. Doran	"
General Manager	E. Dickinson	"
Chief Engineer	M. P. Paret	"
Superintendent	A. H. Dickinson	Wichita, Kan.
Freight Traffic Manager	E. H. Shaufler	Kansas City, Mo.
General Passenger Agent	H. C. Orr	"

Correspondence concerning this report should be addressed to Neal S. Doran, Secretary and Auditor, Kansas City, Mo.

ROAD OPERATED, ENTIRE LINE.

Name.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned:				
K. C., M. & O. Rly. Co.	Wichita, Kan.	Foley, Okla.	178.08	
	Ewing, Okla.	Elmer, Okla.	79.72	
Line operated under trackage rights:				257.80
St. L. & S. F. Rld.	Foley, Okla.	Ewing, Okla.	12.78	12.78
Total mileage				270.58

SEPARATELY OPERATED PROPERTIES.

The Kansas City, Mexico & Orient Railway Company separately operates the following properties, the income from which is included in their income account: Kansas City, Mexico & Orient Railway of Texas, running from Sweetwater, Tex., to Benjamin, Tex., 78 miles; Kansas City, Mexico & Orient Railway Lines in Mexico, 230 miles; total, 308 miles.

ADDITIONS AND BETTERMENTS EXPENDITURES.

Account.	Total.
Right of way and station grounds	$127 30
Bridges, trestles and culverts	4 00
Sidings and spur tracks	432 40
Fencing right of way	8 50
Interlocking apparatus	523 11
Station buildings and fixtures	3,327 10
Shops, engine-houses and turntables	779 84
Shop machinery and tools	10,677 51
Miscellaneous structures	1,150 09
Total, entire line	$17,029 35

PROFIT AND LOSS ACCOUNT.

	Dr.	Cr.
Balance June 30, 1907		$6,461 98
Balance for year brought forward from income account	$210,743 52	
Balance debit June 30, 1908		204,281 59
	$210,743 52	$210,743 52

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$21,274,719 10	Cost of road	$26,964,850 02	$5,690,130 92	
1,680,383 39	Cost of equipment	2,775,890 42	1,095,507 03	
7,439 99	General expenditures	3,746 04		$3,693 95
4,800 00	Stocks owned	4,800 00		
6,743,000 00	Funded debt owned	7,488,000 00	745,000 00	
116,631 74	Cash and current assets	157,226 37	40,594 63	
43,017 69	Materials and supplies	63,007 59	19,989 90	
	Sinking, insurance and other funds	1,410 26	1,410 26	
	Profit and loss	204,281 59	204,281 59	
$29,869,991 91	Grand totals	$37,663,212 29	$7,798,220 38	
	Liabilities.			
$17,318,800 00	Capital stock	$20,208,800 00	$2,890,000 00	
11,641,589 80	Funded debt	16,083,009 09	4,441,469 79	
887,017 25	Current liabilities	1,191,924 73	304,907 48	
	Accrued interest on funded debt not paid	18,103 08	18,103 08	
16,173 43	Equipment replacement	133,252 00	117,078 57	
	Accrued taxes not yet payable	28,123 89	28,123 89	
6,461 98	Profit and loss			6,461 98
$29,869,991 91	Grand totals	$37,663,212 29	$7,798,220 38	

THE LEAVENWORTH & TOPEKA RAILWAY COMPANY.

HISTORY.

The Leavenworth & Topeka Railway Company was incorporated December 29, 1899, under chapter 23, Dassler's Compiled Laws of Kansas, 1899. This company acquired by purchase the property formerly owned by the Leavenworth, Topeka & Southwestern Railway Company, which said company was also organized under the laws of Kansas.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
C. T. McLellan	Emporia, Kan.	October 31, 1908.
J. E. Hurley	Topeka, Kan.	"
A. A. Hurd	"	"
E. L. Copeland	"	"
H. P. Dillon	"	"
N. H. Loomis	Omaha, Neb.	"
J. O. Brinkerhoff	Kansas City, Mo.	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
The Atchison, Topeka & Santa Fe Rly. Co.	246	$24,600 00	.....
Union Pacific Rld. Co	247	24,700 00	.....
Seven directors, one each	7	700 00	.....

Date of last meeting of stockholders for election of directors, October 31, 1907. Total number of stockholders at date of last election, 9.

Each share has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the above-named security holders hold any securites as trustee.

OFFICERS.

Title.	*Name.*	*Location of office.*
President and General Manager	C. T. McLellan	Emporia, Kan.
Secretary and Treasurer	E. L. Copeland	Topeka, Kan.
Solicitor	W. R. Smith	"
Claims Attorney	J. D. M. Hamilton	"
Auditor	A. L. Conrad	"
Superintendent Transportation	F. A. Lehman	Chicago, Ill.
Superintendent Telegraph	C. H. Gaunt	Topeka, Kan.
Freight Agent	J. R. Koontz	"
Passenger Agent	J. M. Connell	"
Baggage Agent	P. Walsh	"
Tax Commissioner	E. T. Cartlidge	"

Correspondence concerning this report should be addressed to A. L. Conrad, Auditor, Topeka, Kan.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned:				
The Leavenworth & Topeka Rly. Co.....	Leavenworth, Kan.....	Meriden, Kan.....	44.66	44.66
Line operated under trackage rights:				
The A. T. & S. F. Rly. Co.....	Meriden Jct., Kan.....	Topeka, Kan.....	10.19	
	At Leavenworth.....	.....	1.27	
				11.46
Total.....	.....	.....	.....	56.12

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	ASSETS.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$152,227 78	Cost of road and equipment.....	$152,227 78	.....	
12,488 06	Cash and current assets.....	21,612 06	$9,128 98	
	Materials and supplies	369 92	369 92	
	Sundries and other assets.....	138 48	138 48	
150,450 22	Profit and loss.....	171,661 02	21,210 80	
$315,161 08	Grand totals.....	$346,009 21	$30,848 18	
	LIABILITIES.			
$50,000 00	Capital stock.....	$50,000 00	.....	
205,000 00	Funded debt.....	250,000 00	$45,000 00	
56,711 03	Current liabilities.....	35,650 77	.....	$21,060 26
3,450 00	Accrued taxes.....	3,720 00	270 00	
	Equipment, replacement, reserve,	6,638 44	6,638 44	
$315,161 08	Grand totals.....	$346,009 21	$30,848 18	

THE LEAVENWORTH TERMINAL RAILWAY AND BRIDGE COMPANY.

HISTORY.

The Leavenworth Terminal Railway and Bridge Company was organized January 16, 1892, under the laws of the state of Kansas. It is not a consolidated or reorganized company. The lines of this company are operated by the Kansas City, St. Joseph & Council Bluffs Railroad Company, the Chicago, Rock Island & Pacific Railway Company, and the Chicago Great Western Railway Company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
E. W. Snyder	Leavenworth, Kan	January, 1909.
C. W. Snyder	Topeka, Kan.	"
Vinton Stillings	Leavenworth, Kan.	"
C. E. Snyder	"	"
Ira B. Snyder	"	"
Samuel H. Wilson	"	"
J. W. Crancer	"	"
W. N. Todd	"	"
T. T. Reyburn	"	"

THE LARGEST HOLDERS OF VOTING SECURITES.

NAME.	Number of votes.	Par value of common stock held.
E. W. Snyder	4,250	$425,000 00
Chas. E. Snyder	1,092	109,200 00

Date of last meeting of stockholders for election of directors, January 14, 1908. Total number of stockholders at date of last election, 4.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Location of office.*
President	E. W. Snyder	Leavenworth, Kan.
First Vice-president	C. W. Snyder	Topeka, "
Secretary	Vinton Stillings	Leavenworth, "
Treasurer	C. E. Snyder	" "
Auditor	Ira B. Snyder	" "

Correspondence concerning this report should be addressed to E. W. Snyder, President, Leavenworth, Kan.

The lines of this company are operated by the K. C. St. J. & C. B. Rld., the C. R. I. & P. Rly., and the C. G. W. Rly., from Leavenworth, Kan., to Stillings, Mo., a distance of 1.75 miles. The income derived from the lease to the above companies is included in the income account.

ROADS ASSIGNED TO ANOTHER CARRIER

FOR OPERATION THROUGH LEASE OR OTHER AGREEMENT.

Name of Operating Company.	Miles.	Date.	Term.
K. C. St. J. & C. B. Rld.	.....	1894	30 years.
C. R. I. & P. Rly.	1.75	1894	30 "
C. G. W. Rly.	.....	1895	30 "

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$1,200,000 00	Cost of road	$1,200,000 00	.....	
24,000 00	Funded debt owned	.....	.....	$24,000 00
2,555 00	Lands owned	2,555 00	.....	
48,896 68	Cash and current assets	23,697 64	.....	25,199 04
	Sinking-fund	54,084 77	$54,084 77	
$1,275,451 68	Grand totals	$1,280,287 41	$4,835 73	
	Liabilities.			
$600,000 00	Capital stock	$600,000 00	.....	
600,000 00	Funded debt	600,000 00	.....	
26,160 42	Current liabilities	29,960 42	$3,800 00	
49,291 26	Profit and loss	50,326 99	1,035 73	
$1,275,451 68	Grand totals	$1,280,287 41	$4,835 73	

LEAVENWORTH DEPOT AND RAILROAD COMPANY.

HISTORY.

The Leavenworth Depot and Railroad Company was organized April 11, 1887, under the laws of the state of Kansas. Charter dated April 1, 1885.

This company is not organized for profit. Bills are rendered monthly against the roads using the depot, for their proportion of the expense of operating depot, and also an arbitrary charge—called a rental charge—to cover interest on bonds and for payment to sinking-fund. The company is working under an agreement executed April 11, 1887. Some of the companies that are now using the depot had an agreement prior to April 11, 1887, but our records have been lost, and information as to this early agreement cannot be given. There are no dividends on stock. At the end of the year, if the board of directors finds that a surplus has accumulated during the year from the monthly bills, this surplus is returned to each road contributing to the general fund.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
A. W. Sullivan	St. Louis, Mo.	January 13, 1908.
H. A. Scandrett	Topeka, Kan.	"
J. O. Brinkerhoff	Kansas City, Mo.	"
A. T. Palmer	"	"
E. A. Gould	"	"
N. H. Loomis	Omaha, Neb.	"
E. A. Sweet	Topeka, Kan.	"

Date of last meeting of stockholders for election of directors, January 14, 1908. Total number of stockholders at last election, 7.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the ten largest security holders hold any securities as trustee.

TEN LARGEST HOLDERS OF VOTING SECURITIES.

Name.	Number of votes.	Par value of common stock.
E. H. Harriman, chairman	480	$48,000 00
Missouri Pacific Rly. Co.	245	24,500 00
Chicago, Rock Island & Pacific Rly. Co.	245	24,500 00
Kansas City Northwestern Rld. Co.	240	24,000 00
Atchison, Topeka & Santa Fe Rly. Co.	120	12,000 00
N. H. Loomis, assignee	125	12,500 00
N. H. Loomis	10	1,000 00
E. A. Gould	10	1,000 00
J. O. Brinkerhoff	5	500 00
A. T. Palmer	5	500 00

OFFICERS.

Title.	*Name.*	*Official address.*
President	J. O. Brinkerhoff	Kansas City, Mo.
Secretary and Treasurer	H. M. Engelman	Leavenworth, Kan.
Superintendent and Ticket Agent	J. H. Case	

Correspondence concerning this report should be addressed to H. M. Engelman, Secretary and Treasurer, Leavenworth, Kan.

ROAD OPERATED, ENTIRE LINE.

NAME.		Miles.
Leavenworth Depot & Rld. Co	Siding at Leavenworth, Kan	1 04

PROFIT AND LOSS ACCOUNT.

ITEM.	Dr.	Cr.
Balance June 30, 1907		$43,269 17
Additions for year:		
Rental account		15,000 00
Interest on sinking-fund		1,059 13
Deductions for year:		
Interest on funded debt	$7,500 00	
Returned to railroads signing agreement, out of the surplus accumulated from monthly charges	7,500 00	
Balance carried June 30, 1908, carried to balance-sheet	44,328 30	
Totals	$59,328 30	$59,328 30

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	ASSETS.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$309,705 39	Cost of road	$309,705 39		
6,468 35	Cash and current assets	4,691 01		$1,777 34
24,757 21	Sinking, insurance, and other funds	27,301 12	$2,543 91	
11,250 00	Sundries and other assets	11,258 97	8 97	
$352,180 95	Grand totals	$352,956 49	$775 54	
	LIABILITIES.			
$150,000 00	Capital stock	$150,000 00		
150,000 00	Funded debt	150,000 00		
889 90	Current liabilities	616 53		273 37
8,021 88	Sundries and other liabilities	8,011 66		10 22
43,269 17	Profit and loss	44,328 30	$1,059 13	
$352,180 95	Grand totals	$352,956 49	$775 54	

MISSOURI, KANSAS & TEXAS RAILWAY COMPANY.

HISTORY.

The Missouri, Kansas & Texas Railway Company was organized September 25, 1865. It was incorporated under the general laws of the state of Kansas, under the name of Union Pacific Railway Company, Southern Branch, and the name was changed to Missouri, Kansas & Texas Railway Company May 23, 1870.

It was consolidated May 15, 1870, with the Labette & Sedalia Railway Company, which last-named company was incorporated May 7, 1870, under an act of the legislature of Kansas approved February 29, 1868; consolidated May 15, 1870, with the Neosho Valley & Holden Railway Company, which company was incorporated May 7, 1870, under an act of the legislature of Kansas approved February 29, 1868; consolidated November 24, 1899, with the Kansas City & Pacific Railroad Company, which last-named company was incorporated July 24, 1886, under the general laws of Kansas.

The Missouri, Kansas & Texas Railway Company is not a reorganized company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of Term.*
Adrian H. Joline	New York, N. Y.	April, 1909.
James N. Wallace	"	"
H. J. DeMarez Oyens	Amsterdam, Holland	"
Myron T. Herrick	Cleveland, Ohio	"
Chas. G. Hedge	New York, N. Y.	April, 1910.
R. W. Maguire	St. Louis, Mo.	"
E. B. Stevens	Parsons, Kan.	"
Alfred Waldron Smithers	London, England	"
A. A. Allen	St. Louis, Mo.	April, 1911.
C. Haile	"	"
Alfred J. Poor	Chapman, Kan.	"
J. G. Metcalfe	New York, N. Y.	"
Henry W. Poor	"	April, 1912.
James Hagerman	St. Louis, Mo.	"
B. P. McDonald	Ft. Scott, Kan.	"
James Brown Potter	New York, N. Y.	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
Nederlandsche Vereeniging Ter., Behartignig Van De Rechten Van Belanghebbenben, Bij De Missouri, Kansas & Texas Rly. Co	129,887	$12,676,000	$312,700
The English Association of American Bond and Shareholders, Ltd	51,590	5,132,000	27,000
R. Raphael & Sons	51,640	5,164,000	.....
Huggins & Clark	36,500	3,564,000	86,000
Leon Bros.	32,640	3,181,000	83,000
S. Japhet & Co	16,050	1,524,000	81,000
Probst, Wetzlar & Co	14,160	1,356,000	60,000
Heseltine, Powell & Co	10,040	887,000	117,000
Hals & Sons	8,870	887,000	.....
Clark, Dodge & Co	8,615	655,500	206,000

Date of last meeting of stockholders for election of directors, April 9, 1908. Total number of stockholders at date of last election, 3125.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the ten largest security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
Chairman of the Board	A. H. Joline	New York, N. Y.
President	A. H. Joline	"
Vice-president	C. G. Hedge	"
Vice-president	A. A. Allen	St. Louis, Mo.
Vice-president	C. Haile	"
Secretary	C. N. Whitehead	New York, N. Y.
Treasurer	C. G. Hedge	"
Local Treasurer	F. Johnson	St. Louis, Mo.
Treasurer in Kansas	T. H. Simpson	Parsons, Kan.
General Counsel	James Hagerman	St. Louis, Mo.
General Attorney for Kansas	John Madden	Parsons, Kan.
Comptroller	R. W. Maguire	St. Louis, Mo.
Auditor	W. L. Seelig	"
Auditor in Kansas	C. E. Spooner	Parsons, Kan.
General Manager	A. A. Allen	St. Louis, Mo.
Assistant General Manager	A. D. Bethard	"
Chief Engineer	S. B. Fisher	"
General Superintendent	E. M. Alvord	"
General Superintendent	T. S. McDowell	Dallas, Tex.
Division Superintendent	A. E. Boughner	Franklin Jct., Mo.
Division Superintendent	W. G. Koch	Denison, Tex.
Division Superintendent	N. J. Finney	Sedalia, Mo.
Division Superintendent	R. J. Sullivan	Greenville, Tex.
Division Superintendent	J. L. Walsh	Parsons, Kan.
Division Superintendent	T. A. Wilson	Smithville, Tex.
Division Superintendent	W. E. Brown	Oklahoma City.
Division Superintendent	A. M. Acheson	Trinity, Tex.
Division Saperintendent	W. E. Williams	Denison, Tex.
Superintendent of Telegraph	S K. Bullard	Sedalia, Mo.
Superintendent of Transportation	J. W. Walton	Denison, Tex.
Traffic Manager	C. Haile	St. Louis, Mo.
General Freight Agent	W. B. Groseclose	"
General Freight Agent	J. W. Allen	Dallas, Tex.
Assistant General Freight Agent	J. L. West	St. Louis, Mo.
Assistant General Freight Agent	W. W. Miller	"
Assistant General Freight Agent	R. F. Campbell	Kansas City, Mo.
Assistant General Freight Agent	E. S. Briggs	Houston, Tex.
Assistant General Freight Agent	R. W. Hockaday	Parsons, Kan.
General Passenger and Ticket Agent	W. S. St. George	St. Louis, Mo.
General Passenger and Ticket Agent	W. G. Crush	Dallas, Tex.
Assistant General Passenger Agent	W. M. Fenwick	St. Louis, Mo.
General Baggage Agent	G. H. Bower	Parsons, Kan.
General Storekeeper	J. M. Gibbons	"
General Live-stock Agent	W. V. Galbreath	Fort Worth, Tex.

Correspondence concerning this report should be addressed to R. W. Maguire, Comptroller, St. Louis, Mo.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line	St. Louis (Texas Jct.)	Houston (via Greenville)	1076.72	
	McBain	Columbia	8.53	
	Hannibal	Franklin Jct	104.50	
	Walker	El Dorado Springs	14.00	
	North Jefferson	Jefferson City	1.15	
	Sedalia (Kan. City Jct.)	Paola	86.67	
	Junction City	Parsons	167.51	
	Labette	Joplin and extensions	54.65	
	McAlester	Wilburton and extensions	30.56	
	Edward's Branch		4.25	
	Johnsville	Mines	2.80	

ROAD OPERATED, ENTIRE LINE—CONCLUDED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line	Atoka	Coalgate	13.60	
	Coalgate	Mines	3.60	
	Paola	Stevens	130.06	
	Bartlesville	Oklahoma City	146.90	
	Stevens	Dewey	23.40	
	Fallis	Guthrie	23.50	
	Osage	Wyback	79.60	
	Oklahoma City	Coalgate	117.35	
	Moran	Iola and Chanute branch	15.20	
	Denison	Henrietta	112.28	
	Denison	Sherman	11.16	
	Warner	Ray	6.40	
	Greenville	Mineola	50.50	
	Denton	Dallas	37.62	
	Fort Worth	Hillsboro	54.50	
	Echo	Belton	7.12	
	Smithville	San Marcos	54.60	
	San Marcos	San Antonio (So. P. Con.)	45.60	
	Trinity	Colmsneil	66.55	
	McKinney	Tex.-La. state line	182.34	
	Granger	Georgetown	15.50	
	Georgetown	Connection with H. & T. C.	29.90	
				2,768.12
Lease:				
V. S. & P.	Tex.-La. state line	Shreveport	19.29	19.29
Operated but not owned:				
W. F. Rly.	Henrietta	Wichita Falls	17.88	
D. B. & N. O.	Bonham Jct.	Bonham	24.15	
D. C. & S. W.	Egan	Cleburne	9.82	
				51.85
Operated jointly:				
St. L., K. & N. W.	St. Louis	Texas Jct.	24.00	
St. L. & S. F.	Kansas City	Paola	43.00	
T. & P.	Whitesboro	Fort Worth	71.18	
G. H. & H.	Houston	Galveston	50.00	
G. H. & S. A.	San Antonio (So. P. Con.)	San Antonio	2.53	
A. T. & S. F.	Dewey	Bartlesville	3.68	
Mo. Pac.	Iola	Piqua	7.11	
H. & T. C.	H. & T. C. Jct.	Austin	1.81	
L. & G. N.	Austin	San Marcos	29.64	
				232.95
Total				3,072.21

OUTSIDE OPERATIONS AND OTHER PROPERTIES.

Hotel dining stations are owned over entire system.

ROAD ACQUIRED BY RESPONDENT

FOR OPERATION THROUGH LEASE OR AGREEMENT.

NAME OF OWNING COMPANY.	Miles.	Date.	Term.
V. S. & P. Rly.—leased	19.29	Dec. 22, 1899.	25 years.

ADDITIONS AND BETTERMENTS EXPENDITURES.

Account.	Total.
Right of way and station grounds	$77,667 90
Grade revisions and change of line	2,504 20
Bridges, trestles and culverts	46,079 47
Increased weight of rail	4,298 88
Ballast	70,778 17
Additional main tracks	4,380 94
Sidings and spur tracks	106,086 90
Terminal yards	107,379 92
Telegraph and telephone lines	19,906 68
Station buildings and fixtures	84,513 36
Shops, engine-houses and turntables	12,765 12
Water and fuel stations	11,087 60
Kansas City terminals	323,133 15
Parsons shops	121,801 07
Miscellaneous structures	7,555 93
M. K. & T., St. Louis division, bonds issued	7,000 00
Steam locomotives	131,644 00
Freight-train cars	2,526,618 94
Interest, discount and commission	11,090 19
Total	$3,676,242 22

PROFIT AND LOSS ACCOUNT.

Item.	Dr.	Cr.
Balance June 30, 1907		$4,901,625 66
Balance for year brought forward from income account		268,830 18
Balance, credit June 30, 1908, carried to balance-sheet	$5,170,455 84	
Totals	$5,170,455 84	$5,170,455 84

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$189,737,057 90	Cost of road, equipment and general expenditures	$192,799,253 87	$3,062,195 97	
4,072 67	Stocks owned	4,072 67	8,035,060 06	
3,314,790 18	Funded debt owned	6,349,850 24		
1,605,993 64	Speyer & Co. trust fund			$1,605 993 64
4,004,346 61	Cash and current assets	2,598,670 29		1,405,676 32
2,362,205 37	Materials and supplies	2,224,337 40		137,867 96
96,217 92	Sinking, insurance and other funds	112,118 96	15,901 08	
72,396 73	Sundries, N. Y. Trust Co., trustee	19,357 00		53,039 73
$201,197,081 02	Grand totals	$204,107,660 42	$2,910,579 40	
	Liabilities.			
$80,222,800 00	Capital stock	$80,222,800 00		
108,294,996 87	Funded debt	112,219,927 62	$3,924,930 75	
2,844,257 08	Current liabilities	3,449,909 05	605,651 97	
1,167,382 49	Accrued interest on funded debt, not yet payable	954,717 90		212,664 59
127,754 17	S. W. C. & I. Co. sinking fund	143,655 20	15,901 03	
2,116,978 31	Improvement fund north of Red river	602,102 08		1,514,876 23
1,296,755 90	Equipment replacement fund	982,582 63		313,173 27
215,185 19	Taxes accrued, not yet payable	356,267 00	141,081 81	
10,345 35	Sundry accounts	5,243 10		5,102 25
4,901,625 66	Profit and loss	5,170,455 84	268,830 18	
$201,197,081 02	Grand totals	$204,107,660 42	$2,910,579 40	

THE MISSOURI PACIFIC RAILWAY COMPANY.

HISTORY.

The Missouri Pacific Railway Company was organized by articles of agreement and consolidation filed in the office of the secretary of the state of Missouri August 12, 1880, and in the office of the secretary of state of Kansas August 20, 1880, and in Nebraska March 3, 1882, and September 4, 1888.

It was organized under the general railroad laws of the states of Missouri, Kansas, and Nebraska: Revised Statutes of Missouri, 1879, chapter 21, article 2, sections 789 and 790; Compiled Laws of Kansas, 1879 (Dassler's edition), chapter 84, article 2, section 4932; Compiled Laws of Nebraska, 1881 (Brown's edition), chapter 16, section 114.

Articles of agreement and consolidation between the following-named companies, filed as stated in answer to question No. 2, viz.:

FIRST CONSOLIDATION.

Missouri Pacific Railway Company, organized under the general railroad law of Missouri October 21, 1876.

St. Louis & Lexington Railroad Company, organized under the general railroad law of Missouri December 20, 1877.

Kansas City & Eastern Railway Company, organized under the general railroad law of Missouri January 24, 1878.

The Lexington & Southern Railway Company, organized under the general railroad law of Missouri December 12, 1879.

St. Louis, Kansas & Arizona Railway Company, organized under the general railroad law of Kansas January 16, 1879.

The Kansas City, Leavenworth & Atchison Railway Company, organized July 8, 1880, by consolidation of the Missouri River Railroad Company and the Leavenworth, Atchison & Northwestern Railroad Company. (Missouri River Railroad Company, organized under general railroad law of Kansas February 20, 1865. The Leavenworth, Atchison & Northwestern Railroad Company, organized under general railroad law of Kansas and filed with the state officials September 21, 1867, and March 25, 1868.)

SECOND CONSOLIDATION.

Articles of agreement and consolidation between the Missouri Pacific Railway Company and the Missouri Pacific Railway Company of Kansas (organized under general railroad law of Kansas June 14, 1881), filed in the office of the secretary of the state of Kansas January 25, 1882.

THIRD CONSOLIDATION.

Articles of agreement and consolidation between the Missouri Pacific Railway Company and the Missouri Pacific Railway Company of Nebraska (organized under the general railroad law of Nebraska by certificate of organization filed in office of the secretary of state June 8, 1881, and articles of incorporation filed in said office February 3, 1882), filed in the office of

the secretary of state of Nebraska March 3, 1882. Amendment to said articles of consolidation filed in said office September 4, 1888.

CONSOLIDATION BY PURCHASE.

Conveyance to the Missouri Pacific Railway Company by deed, dated September 12, 1883, of the railroad owned by the Jefferson City, Lebanon & Southwestern Railroad Company (organized under the general railroad law of Missouri January 24, 1871).

Conveyance to the Missouri Pacific Railway Company by deed, dated September 12, 1883, of the railroad owned by the Carthage, Joplin & Short Creek Railroad Company (organized under the general railroad law of Missouri September 6, 1881).

Conveyance to the Missouri Pacific Railway Company by deed, dated September 12, 1883, of the railroad owned by the Laclede & Creve Cœur Lake Railroad Company (organized under the general railroad law of Missouri September 27, 1880).

First consolidation, August 12 and October 8, 1880, by authority of the provisions of the general railroad laws of Kansas and Missouri.

Second consolidation, January 25, 1882, by authority of the provisions of the general railroad laws of Kansas and Missouri.

Third consolidation, March 3, 1882, by authority of the provisions of the general railroad laws of Kansas and Nebraska.

Consolidation by purchase, September 12, 1882, by authority of the provisions of the general railroad law of Missouri (Revised Statutes of Missouri, 1879, sec. 790).

Pacific Railroad was the name of the original corporation incorporated by act of the legislature of the state of Missouri approved March 12, 1849, entitled "An act to incorporate the Pacific Railroad."

There were four subsequent amendments to this charter, as follows, viz.:

"An act to amend the act entitled 'An act to incorporate the Pacific Railroad,'" approved March 1, 1851.

"An act supplementary to the act entitled 'An act to amend the act entitled "An act to incorporate the Pacific Railroad,"'" approved February 24, 1853.

"An act entitled 'An act to expedite the construction of the Pacific Railroad and the Hannibal & St. Joseph Railroad,'" approved February 22, 1851.

"An act for the sale of the Pacific Railroad and to foreclose the state's lien thereon and to amend the charter thereof by giving the state right to fix rates after ten years," approved March 31, 1868.

The Pacific Railroad was sold under foreclosure proceedings in 1876, in the suit of *Geo. E. Ketchum et al. vs. Pacific Railroad et al.*, in the United States circuit court for the eastern district in Missouri. The purchasers of the road organized a corporation under the general railroad law of Missouri, by articles of association filed in the office of the secretary of the state of Missouri October 21, 1876. The corporate name of this organization was Missouri Pacific Railway Company.

This company was one of the constitutent companies in the consolidation of August 12, 1880, forming the present organization, "The Missouri Pacific Railway Company."

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Geo. J. Gould	New York, N. Y.	March 9, 1909.
J. J. Slocum	"	"
Edwin Gould	"	"
H. B. Henson	"	"
Frank Jay Gould	"	"
Howard Gould	"	"
Edward T. Jeffery	"	"
Fred T. Gates	"	"
S. Davis Warfield	Baltimore, Md.	"
C. S. Clarke	St. Louis, Mo.	"
W. K. Bixbey	"	"
O. L. Garrison	"	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of common stock held.
Estate of Jay Gould	302,251	$20,225,100 00
Frederick J. Lovatt	28,076	2,807,600 00
Frank Jay Gould	23,514	2,351,400 00
General Educational Bond	22,237	2,223,700 00
Russell Sage	16,875	1,687,500 00
Howard Gould	13,568	1,356,800 00
Wm. O. Rockwell	12,407	1,240,700 00
Henry Clews & Co.	11,761	1,176,100 00
John McKay, jr.	11,480	1,148,000 00
Geo. P. Butler & Bro.	11,312	1,131,200 00

Date of last meeting of stockholders for election of directors, March 10, 1908. Total number of stockholders at date of last election, 5494.

Each share of stock has one vote.

No issue of securities has contingent voting rights, or special privileges in the election of directors.

None of the ten largest security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
President	Geo. J. Gould	New York, N. Y.
Vice-president	Frank Jay Gould	"
Vice-president	C. S. Clarke	St. Louis, Mo.
Assistant to Vice-president	C. H. Middleton	"
Assistant to Vice-president	M. C. Markham	"
Vice-president	J. M. Johnson	"
Assistant to Vice-president	E. B. Boyd	Chicago, Ill.
Vice-president	O. B. Huntsman	New York, N. Y.
Vice-president and General Solicitor	A. G. Cochran	St. Louis, Mo.
Secretary and Treasurer	A. H. Calef	New York, N. Y.
Assistant Secretary	Guy Phillips	"
Assistant Secretary	H. L. Utter	"
Assistant Secretary	F. W. Irland	St. Louis, Mo.
Local Treasurer	F. M. Hickman	"
General Auditor	S. B. Schuyler	"
Assistant General Auditor	E. M. Curtis	"
Freight Claim Agent	J. S. Tustin	"
Auditor of Disbursements	E. H. Lycett	"
Auditor of Freight Accounts	W. J. Wright	"
Assistant Auditor of Freight Accounts	W. H. Malcolm	"
Auditor of Passenger Receipts	H. H. McIntyre	"
General Counsel	J. F. Dillon	New York, N. Y.
General Attorney	W. S. Pierce	"
General Attorney	M. L. Clardy	St. Louis, Mo.
General Attorney	B. P. Waggener	Atchison, Kan.
General Attorney	J. H. Richards	Fort Scott, Kan.
General Attorney	T. H. Devine	Pueblo, Col.
Tax Commissioner	Chas. Waldrich	St. Louis, Mo.
Freight Traffic Manager	B. M. Flippin	"
Assistant Freight Traffic Manager	W. B. Knight	"
General Freight Agent	E. B. Lane	"
General Freight Agent	K. M. Wharry	Kansas City, Mo.

OFFICERS—CONCLUDED.

Title.	*Officer.*	*Official address.*
General Freight Agent	J. N. Githens	St. Louis, Mo.
Assistant General Freight Agent	A. T. Stewart	"
Assistant General Freight Agent	D. R. Lincoln	"
Assistant General Freight Agent	H. B. Kooser	"
Assistant General Freight Agent	C. C. P. Rausch	"
Passenger Traffic Manager	C. L. Stone	"
General Passenger and Ticket Agent	B. H. Payne	"
Assistant General Passenger Agent	R. T. G. Matthews	Kansas City, Mo.
Assistant General Ticket Agent	W. H. Bissland	St. Louis, Mo.
General Baggage Agent	Benton Quick	"
General Manager	A. W. Sullivan	"
Assistant General Manager	J. W. Higgins	"
General Superintendent	E. A. Gould	Kansas City, Mo.
Superintendent Transportation	E. F. Kearney	St. Louis, Mo.
Superintendent	A. J. Alexander	Sedalia, Mo.
Superintendent	A. De Bernardi	Atchison, Kan.
Superintendent	J. E. Snedeker	Osawatomie, Kan.
Superintendent	A. H. Webb	Wichita, Kan.
Superintendent	W. E. Brooks	Nevada, Mo.
Superintendent	P. A. Buck	Coffeyville, Kan.
Superintendent	H. G. Clark	Pueblo, Colo.
Superintendent of Terminals	J. W. Dean	St. Louis, Mo.
Superintendent of Terminals	J. A. Somerville	Kansas City, Mo.
Assistant Superintendent	R. E. Cahill	Kansas City, Kan.
General Claim Agent	W. E. Jones	St. Louis, Mo.
Chief Surgeon	W. B. Outten	"
Engineer of Construction	E. F. Mitchell	"
Right of Way Agent	J. A. Prickett	"
Chief Engineer Maintenance of Way	M. L. Byers	"
Assistant to Chief Engineer Maintenance of Way	C. J. Welch	"
Assistant Engineer Maintenance of Way	J. O. Potts	"
Signal Engineer	B. H. Mann	"
Principal Assistant Engineer	R. H. Ford	"
Superintendent of Water Supply	M. Miller	"
Consulting Engineer	James W. Way	"
Engineer of Bridges and Buildings	E. W. Wiggin	"
Superintendent Bridges	F. B. Scheetz	"
Superintendent Buildings	T. S. Leake	"
Superintendent Machinery	G. W. Smith	"
Assistant Superintendent Machinery	W. J. Hoskin	Kansas City, Mo.
Assistant Superintendent Machinery	D. W. Cunningham	Little Rock, Ark.
Mechanical Engineer, machinery department	W. H. V. Rosing	St. Louis, Mo.
Superintendent Telegraph	E. A. Chenery	"
General Purchasing Agent	S. F. Pryor	"
Supply Agent	I. R. L. Wiles	"
Stationer	C. L. Burgess	"
Paymaster	T. L. Harkness	"
General Tie and Timber Inspector	W. T. Shultz	"
Fuel Agent	W. J. Jenkins	"
General Agent, Mail Service	H. E. Mack	"

Correspondence concerning this report should be addressed to S. B. Schuyler, General Auditor, St. Louis, Mo.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
St. L. I. M. & S. Rly. Co.	Sole.	Title to cap. stock.	Majority	Direct.
Kan. & Colo. Pac. Rly. Co.	do.	do.	do.	do.
Kan. Southwestern Rly. Co.	do.	do.	do.	do.
Rooks Co Rld. Co.	do.	do.	do.	do.
Pacific Rly. in Nebraska	do.	do.	do.	do.
The Central Branch Rly. Co.	do.	do.	do.	do.
W. & C. Turnpike and F. Co.	do.	do.	do.	do.
Le Roy & Caney Valley Air Line	do.	do.	do.	do.
Kanopolis & Kan. Cent. Rly. Co.	do.	do.	do.	do.
Pacific Express Co.	Joint.	do.	Two-fifths	do.
Amer. Refrig. Trn. Co.	do.	do.	Aprox. one-fifth	do.
Terminal Rld. Ass'n of St. L.	do.	do.	Aprox. one-fourth	do.
K. C. Terminal Rly. Co.	do.	do.	One-tenth	do.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT—CONCLUDED.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Mem. Rld. Term. Co.	Joint.	Title to cap. stock.	One-tenth	Direct.
St. Jos. Union Depot Co.	do.	do.	do.	do.
K. C. Union Depot Co.	do.	do.	One-eleventh	do.
Atchison Union Depot Co.	do.	do.	One-eighth	do.
Leavenworth Depot & Rld. Co.	do.	do.	Two-sixths	do.
Pueblo Union Depot Co.	do.	do.	One-fifth	do.
Inactive Corporations.				
Omaha Sou. Rly. Co.	Sole.	Title to cap. stock.	All.	Direct.
Omaha Belt Rly. Co.	do.	do.	do.	do.
Nevada & Minden Rly. Co.	do.	do.	do.	do.
Nevada & Minden Rly. Co. of Kan.	do.	do.	do.	do.
Neb. Sou. Rly. Co.	do.	do.	do.	do.
Ft. Scott Cent. Rly. Co.	do.	do.	do.	do.
Joplin & Western Rly. Co.	do.	do.	do.	do.
St. L. O. H. & C. Rly. Co.	do.	do.	do.	do.
K. C. S. W. Rly. Co.	do.	do.	do.	do.
K. C. S. West'n Rly. Co. of Mo.	do.	do.	do.	do.
Carthage & West'n Rly. Co.	do.	do.	do.	do.
Pueblo & State Line Rld.	do.	do.	do.	do.
Iron Mtn. Rld. Co. of Mo.	do.	do.	do.	do.
S. W. & S. West'n Rly. Co.	do.	do.	do.	do.
Winfield T. & G. Rly. Co.	do.	do.	do.	do.
Cent. Branch U. P. Rld. Co.	do.	do.	do.	do.
Atch. Colo. & Pac. Rld. Co.	do.	do.	do.	do.
Atch. Jewell Co. & West'n Rld. Co.	do.	do.	do.	do.
Edgewater Con'g Line.	do.	do.	do.	do.
Edgewater Term. Rld. Co.	do.	do.	do.	do.
Pac. Rld. of Mo.	do.	do.	do.	do.
St. Joe & Cent. Branch Rly.	do.	do.	do.	do.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main Line owned:				
The Mo. P. Rly. Co.	St. Louis, Mo.	Atchison (3d st., Kan.)	330.11	
	Central Branch Jct.	Sarpy county line	148.65	
	Levee, St. Louis	Eleventh st., St. Louis	1.00	
	Papillion Jct., Neb.	Papillion, Neb.	2.35	
Branches and spurs owned:				482.11
Glencoe branch	Glencoe Jct., Mo.	Lime Kilns, Mo.	4.00	
Blackwater branch	Warrensburg Jct.	Stone quarries	3.00	
L. & C. C. Lake br.	Lake Jct., Mo.	Creve Cœur Lake	11.99	
Carondelet branch	Kirkwood Jct., Mo.	Carondelet, Mo.	12.55	
Lebanon branch	Jefferson City, Mo.	Bagnell, Mo.	45.04	
Lexington branch	Sedalia Jct., Mo.	Independence Jct.	88.43	
J. C. B. & Lex. br.	Myrick Jct., Mo.	Cole Jct., Mo.	118.33	
J. C. B. & Lex. br.	Marshall Jct., Mo.	Marshall, Mo.	2.48	
Lake City branch	N. L. Conn.-Lake City	A. T. & S. F. line	7.76	
Lexington & So. div.	Pleasant Hill Jct.	M. P. R. of W., line	.09	
Lexington & So. div.	K. C. F. S. & M. Jct.	Joplin, Mo.	132.60	
Kan. & Ariz div.	So. Western Jct.	Le Roy Jct., Kan.	61.23	
Ottawa branch	Osawatomie Jct.	Ottawa Conn.	21.62	
Nebraska City br.	Nebraska City Br. Jct.	Weeping Water Jct.	26.76	
Lincoln branch	Lincoln Br. Jct.	Lincoln, Neb.	33.92	
Crete branch	Talmage Jct., Neb.	Crete, Neb.	58.18	
Webb City sprs. & ex.	Oronogo, Mo.	Granby, Mo.	24.29	
				652.30

ROAD OPERATED, ENTIRE LINE—CONCLUDED.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Line operated by respondent but owned by another corporation, control being secured through stock ownership:				
C. & W. Rly.	Carthage Jct., Mo.	Jct. K. C. S. Rly., Mo.	17.96	
Omaha Belt Rly.	Sarpy county line.	Webster street, Omaha	13.12	
	Summit Jct. R. W. line	West Side Jct., Neb.	3.05	
St. L. O. H. & C. Rly.	T. Grove Jct., Mo	Ivory Av. Jct., Mo.	6.30	
Neb. Southern Rly.	Auburn Jct., Neb.	Neb. City Branch Jct.	16.12	
Omaha Southern Rly.	Union Jct., Neb.	Gilmore Jct., Neb.	25.44	
Ft. Scott Central Rly.	Rich Hill Jct., Mo.	Cornell, Kan.	57.06	
Nev. & Minden Rly.	Nassua Jct., Mo.	Chetopa, Kan.	78.71	
Kan. Colo. Pac. Rly.	Ottawa Con., Kan.	Pueblo U. D. Con.	541.74	
	Great Bend Branch Jct.	Great Bend, Kan.	10.01	
	Gypsum City Con.	Marquette Con.	42.41	
	Monteith Jct., Mo.	St. L. & Emporia Jct.	74.31	
	Interstate Jct., Kan.	Madison	27.12	
	Fort Scott Con., Kan.	Indian Territory state line,	244.45	
	El Dorado Jct., Kan.	McPherson Jct., Kan.	62.40	
	Council Grove Spr., Kan.	M. K. & T. Con.	.48	
	Gilfillan-Spr. Jct., Kan.	Gilfillan, Kan.	2.40	
	Wichita & Colorado Jct.	S. S. & E. P. Jct.	86.57	
	Chetopa Con., Kan.	Larned, Kan.	273.04	
	Dexter Jct., Kan.	Arkansas City	25.07	
	Fort Scott, Kan.	Topeka, Kan.	131.00	
K. & K. Cent. Rly.	Geneseo, Kan.	Kanopolis, Kan.	14.16	
Kan. S. W. Rly.	Olcott Jct., Kan.	Iuka (end of track)	24.91	
Rooks County Rld.	Alton, Kan.	Stockton	18.25	
Pacific Rly. in Neb.	Warwick	Prosser, Neb.	73.00	
Joplin & W. Rly.	Joplin & Western Jct.	Gr. Falls end of track)	4.59	
S. & W. & S. W. Rly.	Sedalia, Mo.	Warsaw, Mo.	43.23	
K. C. N. W. Rld	Kansas City, Kan.	St. J. & G. I. Con.	117.10	
	Axtel Jct., Kan.	Virginia, Neb.	32.92	
	H. B. (near Seneca)	St. J. & G. I. Con.	.02	
	Menager Jct., Kan	M. P. Con., Leavenworth	11.61	
				2,073.54
Line operated under lease for specified sum:				
B. St. L. & S. Rly.	Versailles, Mo	Boonville Mo.	43.95	
K. C. & S. W. Rly. of Missouri	Cecil Jct., Mo.	Mo. and Kan. state line	20.70	
K. C. & S. W. Rly. of Kansas	Mo. and Kan. state line	Southwestern Jct.	27.00	
Kan & Colo. Pac. Rly.	V. V. I. & W. Jct.	Deering Jct., Kan.	80.63	
L. R. & C. V. Air Line.	L. R. & C. V. A. L. Jct.	Peru Jct., Kan.	51.78	
				224.06
Line operated under trackage rights:				
The Cent. Br. Rly.	Atchison (Third st.)	Central Branch Jct., Kan.	1.89	
H. & St. J. Rly.	Rushville, Mo.	S. Joseph, Mo.	15.40	
K. C. F. S. & M. Rly.	M. P. R. W. line	K. C. F. S. & M. Jct.	.54	
Union Pacific Rly.	Gilmore Jct., Neb.	Summit Jct. R. W. line	5.47	
K. C. St. J. & C. Rld.	Winthrop, Mo.	Rushville, Mo.	5.60	
St. J. & G. I. Rld.	St. J. & G. I. Con.	Axtel Jct., Kan.	10.77	
A. T. & S. F. Rld.	M. L. Soldiers' Home.	Soldiers' Home.	.79	
	A. T. & S. F. R. W. line.	A. T. & S. F. R. W. line	7.82	
K. C. Southern Rly.	Pittsburg, Kan.	Ashbury, Mo.	11.39	
				59.67
Total mileage				3,491.68

ADDITIONS AND BETTERMENTS EXPENDITURES.

Account.	Total.
Right of way and station grounds	$13,652 91
Widening cuts and fills	297,980 72
Grade revisions and change of line	34,162 66
Bridges, trestles and culverts	58,902 00
Increased weight of rail	165,387 38
Ballast	111,097 94
Sidings and spur tracks	66,943 34
Fencing right of way	3,978 95
Interlocking apparatus	6,645 54
Telegraph and telephone lines	460 87
Station buildings and fixtures	93,333 17
Shops, engine-houses and turntables	5,546 18
Shop machinery and tools	444 90
Water and fuel stations	23,013 44
Miscellaneous structures	3,044 00
Freight-train cars	8,988 90
Total, entire line	$898,482 90
Total, state of Kansas	$405,886 21

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$66,533,586 53	Cost of road and equipment	$67,431,177 67	$897,591 14	
64,434,900 56	Stocks owned	64,376,522 55		$58,378 01
28,261,206 20	Funded debt owned	48,689,101 20	20,427,895 00	
745,587 01	Other permanent investments	50,969 34		694,617 67
1,502,366 00	Lands owned	1,504,699 70	2,333 70	
13,657,595 13	Cash and current assets	17,011,661 42	3,354,066 29	
4,462,843 83	Materials and supplies	5,533,657 83	1,070,814 00	
2,624,197 98	Sundries and other assets			2,624,197 98
2,506,131 20	Equipment under contract	111,107 00		2,395,024 20
7,302,218 80	Equipment in suspense	10,909,655 58	3,607,436 78	
$192,080,633 19	Grand totals	$215,618,552 29	$23,587,919 10	
	Liabilities.			
$77,817,875 00	Capital stock	$79,753,985 00	$1,936,110 00	
94,820,350 00	Funded debt	92,525,000 00		2,295,350 00
8,285,809 93	Current liabilities	8,294,956 83	9,146 90	
1,217,890 18	Accrued interest on funded debt not yet payable	1,353,126 86	135,236 68	
284,320 88	Other liabilities	508,417 47	224,096 59	
	Equipment obligations and deferred interest	9,766,812 50	9,766,812 50	
9,604,387 20	Profit and loss	23,416,253 63	13,811,866 43	
$192,080,633 19	Grand totals	$215,618,552 29	$23,587,919 10	

THE CENTRAL BRANCH RAILWAY COMPANY.

HISTORY.

The Central Branch Railway Company was organized July 8, 1899, under the general railroad laws of the state of Kansas, volume 1 of the General Statutes of Kansas, 1889, section 1268; volume 1 of the General Statutes, 1897, sections 92 and 93; General Statutes of Kansas, 1899, section 5678.

This company was formed by articles of agreement and consolidation between the Atchison, Colorado & Pacific Railroad Company, the Atchison, Jewell County & Western Railroad Company, and the Central Branch Union Pacific Railway Company, whose charters were severally filed in the office of the secretary of state of the state of Kansas on the dates following, that is to say: The Atchison, Colorado & Pacific Railroad Company, June 1, 1898, amended January 26, 1899; the Atchison, Jewell County & Western Railroad Company, June 1, 1898, amended January 26, 1899; the Central Branch Union Pacific Railway Company, June 29, 1898.

The articles of agreement and consolidation were dated June 12, 1899, approved in writing June 13, 1899, by the holders of more than two-thirds of all the stock held in each of the companies parties to said agreement.

The Central Branch Railway Company is a reorganized company. The original corporations were as follows:

The Atchison & Pike's Peak Railroad Company, incorporated by act of the legislature of the territory of Kansas approved February 11, 1859, and under an act of the legislature of the state of Kansas passed January 1, 1867, changing the name of said corporation to Central Branch Union Pacific Railroad Company.

The Atchison, Colorado & Pacific Railroad Company, which was organized by the consolidation of the Waterville & Washington Railroad Company, the Republicah Valley Railway Company, the Atchison, Republican Valley & Pacific Railway Company, the Atchison, Solomon Valley & Denver Railway Company, and the Atchison & Denver Railway Company, under and in pursuance of an act of the legislature of the state of Kansas entitled "An act to provide for the consolidation and extension of railroads in the state of Kansas," approved March 1, 1870, chapter 92, Session Laws of Kansas, 1870, pages 195-197. The articles of consolidation creating the Atchison, Colorado & Pacific Railroad Company were dated June 23, 1879, and the completed papers of consolidation were filed in the office of the secretary of state of the state of Kansas on December 22, 1879. The corporations which were consolidated to form the Atchison, Colorado & Pacific Railroad Company were organized under the general railroad law of the state of Kansas by articles of incorporation filed in the office of the secretary of state of the state of Kansas on the dates below mentioned:

The Waterville & Washington Railroad Company, April 10, 1876; the Republican Valley Railway Company, November 3, 1878; the Atchison, Republican Valley & Pacific Railway Company, May 18, 1878; the Atchison,

Solomon Valley & Denver Railway Company, August 16, 1877; and the Atchison & Denver Railway Company, December 27, 1878.

The Atchison, Jewell County & Western Railroad Company was organized under the general laws of the state of Kansas by articles of incorporation dated July 5, 1879, and filed in the office of the secretary of state of the state of Kansas on July 5, 1879.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
C. S. Clarke	St. Louis, Mo.	March, 1909.
B. P. Waggener	Atchison, Kan.	"
Jas. W. Orr	"	"
C. M. Rathburn	"	"
H. B. Henson	New York, N. Y.	"
C. E. Satterlee	"	"
Lawrence Greer	"	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of common stock held.
B. P. Waggener, Atchison, Kan.	1	
J. W. Orr, Atchison, Kan.	1	
C. M. Rathburn, Atchison, Kan.	1	
C. S. Clarke, St. Louis, Mo.	1	
H. B. Henson, New York.	1	
C. E. Satterlee, New York	1	
Lawrence Greer, New York	1	
Geo. J. Gould, trustee, Lake Wood, N. J.	75,843	
Total.	75,850	$7,585,000 00

Date of last meeting of stockholders for election of directors, March 17, 1908. Total number of stockholders at date of last election, 8.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Location of office.*
President	C. S. Clarke	St. Louis, Mo.
Vice-president	H. B. Henson	New York, N. Y.
Secretary and Treasurer	A. H. Calef	"
Assistant Treasurer	F. M. Hickman	St. Louis, Mo.
Assistant Secretary	F. W. Irland	"
Assistant Secretary	W. P. Waggener	Atchison, Kan.
General Auditor	S. B Schuyler	St. Louis, Mo.
Assistant General Auditor	E. M. Curtis	"
General Manager	A. W. Sullivan	"
Chief Engineer M. of W	M. L. Byers	"
General Superintendent	E. A. Gould	Kansas City, Mo.
Superintendent	A. De Bernardi	Atchison, Kan.
Superintendent of Telegraph	E. A. Chenery	St. Louis, Mo.
Traffic Manager	J. M. Johnson	"
Freight Traffic Manager	B. M. Flippin	"
General Freight Agent	J. W. Githens	"
Passenger Traffic Manager	C. L. Stone	"
General Passenger and Ticket Agent	B. H. Payne	"
General Baggage Agent	Benton Quick	"

Correspondence concerning this report should be addressed to S. B. Schuyler, General Auditor, St. Louis, Mo.

TRANSPORTATION CORPORATION CONTROLLED BY RESPONDENT.

Name.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporation.				
Atchison U. D. & Rld. Co.	Joint.	Capital stock	One-eighth	Direct.

Sole and direct control of the property of the Central Branch Railway Company is exercised by the Missouri Pacific Railway by virtue of the ownership of the capital stock of this company.

ROAD OPERATED, ENTIRE LINE.

Name.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Lines represented by capital stock—				
Main line: The Central Branch Rly. Co.	Atchison, Kan.	Lenora, Kan.	239.39	239.39
Branches and spurs: The Central Branch Rly. Co.	Greenleaf, Kan.	Washington, Kan.	7.00	
	Yuma, Kan.	Warwick, Kan.	30.80	
	Jamestown, Kan.	Burr Oak, Kan.	33.40	
	Downs, Kan.	Alton, Kan.	23.60	
				94.80
Total.				333.19

ADDITIONS AND BETTERMENTS EXPENDITURES.

There was expended during the year for additions and betterments the sum of $31,537.97.

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$13,544,000 00	Cost of road and equipment	$13,544,000 00		
1,000 00	Stocks owned	1,000 00		
1 00	Funded debt owned	1 00		
24,735 96	Lands owned	24,710 96		$25 00
282,656 22	Cash and current assets	341,239 34	$58,583 12	
72,041 23	Sundries and other assets	82,090 95	10,049 72	
$13,924,434 41	Grand totals	$13,993,042 25	$68,607 84	
	Liabilities.			
$7,585,000 00	Capital stock	$7,585,000 00		
5,959,000 00	Funded debt	5,959,000 00		
6,260 00	Current liabilities	33,981 84	$27,721 84	
65,983 33	Accrued interest on funded debt not yet payable	65,983 33		
308,191 08	Profit and loss	349,077 08	40,886 00	
$13,924,434 41	Grand totals	$13,993,042 25	$68,607 84	

ROOKS COUNTY RAILROAD COMPANY.

HISTORY.

The Rooks County Railroad Company was organized March 12, 1885. It was incorporated under the general railroad laws of the state of Kansas, Compiled Laws of Kansas, 1881 (Dassler's edition), chapter 23, article 2, section 6. This company is not a consolidated or reorganized company. Its lines are operated by the Missouri Pacific Railway Company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Geo. J. Gould	New York, N. Y.	February, 1909.
C. S. Clarke	St. Louis, Mo.	"
F. W. Irland	"	"
W. E. Merrifield	Atchison, Kan.	"
B. P. Waggener	"	"
Jas. W. Orr	"	"
W. P. Waggener	"	"

THE LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of common stock held.
Rooks county	600	$60,000 00
B. P. Waggener	1	100 00
James W. Orr	1	100 00
George J. Gould	4,394	439,400 00
W. P. Waggener	1	100 00
C. S. Clarke	1	100 00
F. W. Irland	1	100 00
W. E. Merrifield	1	100 00

Date of last meeting of stockholders for election of directors, February 19, 1908. Total number of stockholders at date of last election, 8.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Some of the largest security holders hold securities as trustees.

OFFICERS.

Title.	*Name.*	*Location of office.*
President	George J. Gould	New York, N. Y.
Vice-President	C. S. Clarke	St. Louis, Mo.
Secretary	F. W. Irland	"
Treasurer	A. H. Calef	New York, N. Y.
Assistant Secretary and Assistant Treasurer	W. P. Waggener	Atchison, Kan.
General Auditor	S. B. Schuyler	St. Louis, Mo.
Assistant General Auditor	E. M. Curtis	"

Correspondence concerning this report should be addressed to S. B. Schuyler, General Auditor, St. Louis, Mo.

The Rooks County Railroad Company is leased to the Missouri Pacific Railway Company from Alton, Kan., to Stockton, Kan., a distance of 18.25 miles, the income from which lease is included in its income account. Date of lease, November 14, 1885.

PROFIT AND LOSS ACCOUNT.

	Dr.	Cr.
Balance debit June 30, 1908		$371,250 00
Balance June 30, 1907	$354,750 00	
Balance for year brought forward from income account	16,500 00	
Totals	$371,250 00	$371,250 00

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Increase, year ending June 30, 1908.
$775,000 00	Cost of road	$775,000 00	
354,750 00	Profit and loss	371,250 00	$16,500 00
$1,129,750 00	Grand totals	$1,146,250 00	$16,500 00
	Liabilities.		
$500,000 00	Capital stock	$500,000 00	
275,000 00	Funded debt	275,000 00	
354,750 00	Current liabilities	371,250 00	$16,500 00
$1,129,750 00	Grand totals	$1,146,250 00	$16,500 00

KANSAS CITY & SOUTHWESTERN RAILWAY COMPANY.

HISTORY.

The Kansas City & Southwestern Railway Company was organized December 24, 1884. It was incorporated under the general railroad laws of the state of Kansas, Compiled Laws of Kansas, 1881 (Dassler's edition), chapter 23, article 2, section 6.

This company is not a consolidated or reorganized company. Its lines are operated by the Missouri Pacific Railway Company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Geo. J. Gould	New York, N. Y.	February, 1909.
C. S. Clarke	St. Louis, Mo.	"
F. W. Irland	"	"
B. P. Waggener	Atchison, Kan.	"
Jas. W. Orr	"	"
W. E. Merrifield	"	"
W. P. Waggener	"	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of common stock held.
City of Paola	200	$20.000 00
Paola township	100	10,000 00
A. H. Calef	2,000	200,000 00
Guy Phillips	450	45,000 00
George J. Gould	4	400 00
B. P. Waggener	1	100 00
James W. Orr	1	100 00
W. P. Waggener	1	100 00
W. E. Merrifield	1	100 00
C. S. Clarke	1	100 00

Date of last meeting of stockholders for election of directors, February 18, 1908. Total number of stockholders at date of last election, 11.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Some of the ten largest security holders hold securities as trustee.

OFFICERS.

Title.	*Name.*	*Location of office.*
President	Geo. J. Gould	New York.
Vice-president	C. S. Clarke	St. Louis.
Secretary	F. W. Irland	"
Treasurer	A. H. Calef	New York.
General Auditor	S. B. Schuyler	St. Louis.
Assistant General Auditor	E. M. Curtis	"

Correspondence concerning this report should be addressed to S. B. Schuyler, General Auditor, St. Louis, Mo.

The Kansas City & Southwestern Railway Company is leased to the Missouri Pacific Railway Company from state line, Missouri and Kansas, to S. W. Junction, Kansas, a distance of twenty-seven miles, the income from which lease is included in its income account. Date of lease, January 1, 1891.

Mileage of line owned (single track) in Kansas, 27.00.

PROFIT AND LOSS ACCOUNT.

Item.	Dr.	Cr.
Balance debit June 30, 1908	.....	$709,500 00
Balance January 30, 1907	$676,500 00	
Balance for year brought forward from income account	33,000 00	
Totals	$709,500 00	$709,500.00

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Increase, year ending June 30, 1908.
$826,000 00	Cost of road	$826,000 00	
676,500 00	Profit and loss	709,500 00	$33,000 00
$1,502,500 00	Grand totals	$1,535,500 00	$33,000 00
	Liabilities.		
$276,000 00	Capital stock	$276,000 00	
550,000 00	Funded debt	550,000 00	
676,500 00	Current liabilities	709,500 00	$33,000 00
$1,502,500 00	Grand totals	$1,535,500 00	$33,000 00

THE KANSAS & COLORADO PACIFIC RAILWAY COMPANY.

HISTORY.

The Kansas & Colorado Pacific Railway Company was organized December 27, 1890, and January 10, 1891, by articles of consolidation filed in the office of the secretary of state of the state of Kansas. It was organized under the laws of the state of Kansas, by authority of an act of the legislature of the state of Kansas approved February 27, 1889, Session Laws of Kansas, 1889, chapter 196, page 290 (General Statutes of Kansas, 1889, section 1468).

The constituent companies of the consolidation forming the Kansas & Colorado Pacific Railway Company are twelve in number, each formed by articles of association filed in the office of the secretary of state of the state of Kansas on the dates set against the name of each company as below stated, viz.: The Council Grove, Osage City & Ottawa Railway Company, January 13, 1886; Topeka, Salina & Western Railroad Company, November 23, 1880; the Missouri Pacific Railway Company in Kansas, September 17, 1885; the Kansas & Colorado Railroad Company, January 6, 1883; Denver, Memphis & Atlantic Railway Company, October 11, 1883, and amendments to this charter filed November 17, 1884, February 2 and November 26, 1886; the Council Grove, Smoky Valley & Western Railway Company, June 8, 1886; Kansas, Nebraska & Dakota Railway Company, August 14, 1885; Salina, Sterling & El Paso Railroad Company, December 17, 1883; the Wichita & Colorado Railway Company, July 27, 1885, and amendments filed April 29, 1886; the Verdigris Valley, Independence & Western Railroad Company, May 6, 1885; the Grouse Creek Railway Company, April 2, 1887; the Interstate Railway Company, itself a consolidated company, formed by articles of consolidation filed in the office of the secretary of state of the state of Kansas July 3, 1890, the constituent companies of which consolidation being the St. Louis & Emporia Railroad Company, which was formed by articles of association filed in the office of the secretary of state of the state of Kansas February 2, 1886, and the Interstate Railroad Company, which was formed by articles of association filed in the office of the secretary of state of the state of Kansas August 7, 1881.

Consolidation by purchase: Conveyance to the Kansas & Colorado Pacific Railway Company by deed, dated July 1, 1891, of the railroad owned by the Fort Scott, Wichita & Western Railway Company (organized under the general railroad laws of Kansas July 20, 1887).

The lines of the Kansas & Colorado Pacific Railway Company are operated by the Missouri Pacific Railway Company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
George J. Gould	New York	May, 1907.
C. S. Clarke	St. Louis	"
F. W. Irland	"	"
J. H. Richards	Fort Scott, Kan.	"
C. E. Benton	"	"
Geo. O. Bacon	"	"
A. H. Webb	Wichita, Kan.	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value common stock held.
George J. Gould	101,365	$10,136,500 00
A. H. Calef	50,125	5,012,500 00
Guy Phillips	41,045	4,104,500 00
Edwin Gould	30,000	3,000,000 00
Chautauqua County, Kansas	1,400	140,000 00
Saline County, Kansas	1,390	139,000 00
Kingman County, Kansas	1,250	125,000 00
Rush County, Kansas	1,200	120,000 00
Cowley County, Kansas	1,000	100,000 00
Rice County, Kansas	1,000	100,000 00

Date of last meeting for election of directors, May 21, 1908. Total number of stockholders at date of last election, 156.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Some of the largest security holders hold securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
President	George J. Gould	New York, N. Y.
Vice-president	C. S. Clarke	St. Louis, Mo.
Vice-president	H. B. Henson	New York, N. Y.
Secretary and Treasurer	A. H. Calef	"
Assistant Secretary	S. C. Mathews	
Assistant Secretary	J. H. Richards	Fort Scott, Kan.
Assistant Secretary	F. W. Irland	St. Louis, Mo.
Assistant Treasurer	F. M. Hickman	"
General Auditor	S. B. Schuyler	"
Assistant General Auditor	E. M. Curtis	"
General Manager	A. W. Sullivan	"

Correspondence concerning this report should be addressed to S. B. Schuyler, General Auditor, St. Louis, Mo.

ROAD LEASED OR OTHERWISE ASSIGNED FOR OPERATION

THE INCOME OF WHICH IS INCLUDED IN THE INCOME ACCOUNT.

NAME.	Termini.		Miles of line.
	From	To	
The Kansas & Colorado Pacific Railway Co	Ottawa connection	Council Grove	69.53
	Council Grove	W. L. Dickinson county	51.25
	W. L. Dickinson county	Gypsum City connection	2.69
	Gypsum City connection	Marquette connection	27.30
	Marquette connection	E. L. Ness county	100.33
	E. L. Ness county	K. & C. state line	138.52
	K. & C state line	Pueblo U. D. connection	152.12
	C. G. Spur Jct	M. K. & T. connection	.48
	G. B. Branch connection	Great Bend	10.01
	Gypsum City connection	Salina connection	16.73
	Salina connection	Marquette connection	25.68
	Monteith Jct	St. L. & Emp. Jct	74.31
	Interstate Jct	Madison	27.12
	Ft. Scott connection	Oklahoma state line	244.45
	El Dorado Jct	McPherson	62.40
	Gilfillan spur	Gilfillan	2.40
	S. S. & El P. connection	S. S. & El P. Jct	40.10
	W. & Colo. Jct	S. S. & El P. connection	46.47
	Chetopa	Larned	273.04
	Dexter Jct	Arkansas City	25.07
	Fort Scott	Topeka	131.00
	V. V. I. & W. Jct	Deering Jct	80.63
Total mileage			1,601.63

MILEAGE OF LINE OWNED, BY STATES.

STATE.	Main line.
Missouri	15.61
Kansas	1,433.90
Total mileage owned (single track)	1,449.51

Under date of January 1, 1891, 1,601.63 miles, the entire mileage of this company, was assigned to the Missouri Pacific Railway Company for the operation, through leases or other agreement.

PROFIT AND LOSS ACCOUNT.

ITEMS.	Dr.	Cr.
Additions for the year		$3,015,168 84
Balance debit June 30, 1908		22,872,045 16
Balance June 30, 1907	$23,931,319 00	
Balance for year brought forward from income account	1,955,895 00	
Totals	$25,887,214 00	$25,887,214 00

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	ASSETS.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$49,030,100 00	Cost of road and equipment	$49,030,100 00		
1 00	Stocks owned	1 00		
13,433 33	Cash and current assets	13,433 33		
1,775,500 00	Other assets, sundries	1,773,500 00		$2,000 00
22,931,319 00	Profit and loss	22,872,045 66		1,059,273 34
$74,750,353 33	Grand totals	$73,689,079 99		$1,061,273 34
	LIABILITIES.			
$25,498,100 00	Capital stock	$25,498,100 00		
23,532,000 00	Funded debt	43,219,000 00	$19,687,000 00	
23,843,058 34	Current liabilities	2,604,610 00		$21,238,448 34
101,694 99	Accrued interest on funded debt not yet payable	593,869 99	492,175 00	
1,775,500 00	Other liabilities	1,773,500 00		2,000 00
$74,750,353 33	Grand totals	$73,689,079 99		$1,061,273 34

ST. JOSEPH & GRAND ISLAND RAILWAY COMPANY.

HISTORY.

The St. Joseph & Grand Island Railway Company was organized February 23, 1897, under the laws of the states of Kansas and Nebraska. Kansas statutes 1897, page 691 and following. Nebraska statutes 1895, section 1747 and following.

This company was formed by a consolidation of the St. Joseph, Hanover & Western Railway Company and the Grand Island, Hastings & Southeastern Railroad Company, on February 23, 1897. The charter of the St. Joseph, Hanover & Western Railway Company was filed with the secretary of state of the state of Kansas December 28, 1896—no amendments thereto. The charter of the Grand Island, Hastings & Southeastern Railroad Company was filed with the secretary of state for the state of Nebraska December 28, 1896—no amendments thereto.

The St. Joseph & Grand Island Railway Company is a reorganized company, its original name having been the St. Joseph & Grand Island Railroad Company.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term*
W. T. Van Prunt	St. Joseph, Mo.	October 20, 1908.
C. C. Tegethoff	New York, N. Y.	"
W. S. Johnson	" "	"
Joseph F. Boyle	" "	"
F. G. Reighley	" "	"
Graham G. Lacy	St. Joseph, Mo.	"
Stewart Clarke	Elwood, Kan.	"
W. H. Williams	" "	"
William Ellis	" "	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
J. F. Boyle	26,722	$1,220,000	$1,452,200
Central Trust Co. of N. Y.	1,899	71,800	118,100
Ernest F. Durham	7,800	780,000	.....
Thomas Fickers	1,609	.....	160,900
H. P. Goldschmidt	6,364	98,600	542,800
Townsend Horner	7,901	790,000	100
James S. Miller	3,400	100,000	240,000
Le Roy Marand	8,600	290,000	570,000
Fred. G. Reighley	10,601	40,000	1,020,100
White S. Blackwell	2,024	50,000	152,400

Date of last meeting of stockholders for election of directors, October 15, 1907. Total number of stockholders at date of last election, 520.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

None of the ten largest security holders hold any securities as trustee.

OFFICERS.

Title.	*Name.*	*Official address.*
President	W. T. Van Brunt	St. Joseph, Mo.
First Vice-president	Graham G. Lacy	"
Secretary and Treasurer	C. C. Tegethoff	New York, N. Y.
Assistant Secretary	W. N. Purvis	St. Joseph, Mo.
Attorney or General Counsel	R. A. Brown	"
Acting Auditor	W. M. Mooney	"
General Manager	J. Berlingett	"
Superintendent	C. E. Hendrix	"
Superintendent of Telegraph	J. Berlingett	"
General Freight Agent	S. E. Stohr	"
Assistant General Freight Agent	W. H. Bryning	Kansas City, Mo.
General Passenger Agent	S. E. Stohr	St. Joseph, Mo.
Assistant General Passenger Agent	C. T. Hummer	"
General Ticket Agent	S. E. Stohr	"
Assistant General Ticket Agent	C. T. Hummer	"
General Baggage Agent	S. E. Stohr	"

Correspondence concerning this report should be addressed to W. M. Mooney, Acting Auditor, St. Joseph, Mo.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Main line owned	St. Joseph, Mo.	Grand Island, Neb.	251.06	251.06
Branches and spurs owned	Stouts, Kan.	Highland, Kan.	6.79	6.79
Line operated under trackage rights:				
Quincy, Om. & Kan. City Rld.	Gower, Mo.	Northern Junction, Mo.	35.60	
Chicago, M. & St. P. Rly.	Northern Junction, Mo.	Suburban Junction, Mo.	1.40	
K. C. Southern Rly.	Suburban Junction, Mo.	Kansas City, Mo.	4.20	
St. Joseph & St. L. Rly. Co.	St. Joseph, Mo.	Gower, Mo.	19.96	
				61.15
Total mileage operated				319.00

ADDITIONS AND BETTERMENTS EXPENDITURES.

ACCOUNT.	Amount.
Bridges, trestles and culverts	$242 16
Sidings and spur tracks	5,376 43
Shops, engine-houses and turntables	4,196 81
Miscellaneous structures	11,954 39
Steam locomotives	14,286 00
Passenger-train cars	9,793 74
Freight-train cars	38,350 92
Total, entire line	$84,199 45
Total, state of Kansas	$47,678 91

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$17,303,585 10	Cost of road	$17,420,699 09	$117,113 99	
560,311 64	Cost of equipment	622,742 30	62,430 66	
2 00	Stocks owned	2 00		
965,692 91	Cash and current assets	1,000,091 54	34,398 63	
140,000 00	Equipment trusts	80,000 00		$60,000 00
143,002 57	Materials and supplies	189,492 02	46,489 45	
	Sundries, other assets	52,777 14	52,777 14	
$19,112,594 22	Grand totals	$19,365,804 09	$253,209 87	
	Liabilities.			
$13,598,500 00	Capital stock	$13,598,500 00		
4,140,000 00	Funded debt	4,080,000 00		60,000 00
353,856 97	Current liabilities	337,258 05		16,598 92
38,790 86	Contingency fund	32,575 57		6,215 29
981,446 39	Profit and loss	1,317,470 47	$336,024 08	
$19,112,594 22	Grand totals	$19,365,804 09	$253,209 87	

ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY.

HISTORY.

The St. Louis & San Francisco Railroad Company was organized June 29, 1896, under the general statutes of Missouri. It is a reorganized company, the original corporation, the St. Louis & San Francisco Railway Company, having been organized on September 10, 1876, under the general statutes of Missouri.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
W. K. Bixby	St. Louis	November 9, 1908.
James Campbell	"	"
Benj. P. Cheney	Boston	"
A. J. Davidson	St Louis	"
Francis L. Hine	New York	"
C. W. Hillard	"	"
Robt. Mather	"	"
W. H. Moore	"	"
J. Hobart Moore	Chicago	"
H. Clay Pierce	St. Louis	"
Daniel G. Reid	New York	"
Nathaniel Thayer	Boston	"
B. F. Yoakum	New York	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

Name.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
Edward Butler	2,150		$215,000 00
B. P. Cheney	2,580	$500 00	257,500 00
James Campbell	6,871	500 00	686,600 00
Central Trust Company, trustee	289,408	28,940,300 00	
Dutch Association, trustee	12,309	15,600	1,215,300 00
J. L. Graham	1,800		180,000 00
J. B. M. Kehlor	2,700		270,000 00
Geo. G. McMurtry	1,600		160,000 00
Geo. F. Richardson, Richard Olney, and B. P. Cheney, trustees	2,047		204,700 00
Winslow, Lanier & Co	4,550		455,000 00

Date of last meeting of stockholders for election of directors, November 11, 1907. Total number of stockholders at date of last election, 1641.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

Of the ten largest security holders the Central Trust Company of New York, Geo. F. Richardson, Richard Olney, B. P. Cheney, and Dutch Association hold securities as trustees; beneficiaries not shown.

OFFICERS.

Title.	*Name.*	*Official address.*
Chairman of the Board	D. G. Reid	New York, N. Y.
Chairman Executive Committee	B. F. Yoakum	"
President	A. J. Davidson	St. Louis, Mo.
First Vice-president	Robert Mather	New York, N. Y.
Second Vice-president	G. R. Gray	St. Louis, Mo.
Third Vice-president	W. B. Biddle	Chicago, Ill.
Fourth Vice-president	A. Douglas	St. Louis, Mo.
Vice-president	W. C. Nixon	"
Vice-president	E. L. Pollock	Chicago, Ill.
Vice-president	C. W. Hillard	New York, N. Y.
Secretary and Treasurer	F. H. Hamilton	St. Louis, Mo.
General Counsel	Robert Mather	New York, N. Y.
General Solicitor	W. F. Evans	St. Louis, Mo.
Comptroller	C. W. Hillard	New York, N. Y.
General Auditor	A. Douglas	St. Louis, Mo.
Assistant General Auditor	W. P. Newton	"
General Manager	W. C. Nixon	"
Chief Engineer	J. F. Hinckley	"
General Superintendent, First District	J. E. Hutchison	Springfield, Mo.
General Superintendent, Second District	W. T. Tyler	"
Superintendent Third District	J. A. Frates	Chaffee, Mo.
Division Superintendent	H. H. Brown	Springfield, Mo.
Division Superintendent	G. H. Schleyer	Fort Smith, Ark.
Division Superintendent	H. F. Clark	Sapulpa, Okla.
Division Superintendent	Geo. Geiger	Francis, Okla.
Division Superintendent	Leroy Kramer	Neodesha, Kan.
Division Superintendent	A. J. Sams	Enid, Okla.
Division Superintendent	T. B. Coppage	Fort Scott, Kan.
Division Superintendent	J. G. Lorton	Birmingham, Ala.
Division Superintendent	J. F. Sims	Memphis, Tenn.
Superintendent Telegraph	H. D. Teed	St. Louis, Mo.
Traffic Manager, Freight	J. A. Middleton	"
Traffic Manager, Passenger	John Sebastian	Chicago, Ill.
General Freight Agent	E. K. Voorhees	St. Louis, Mo.
Assistant General Freight Agent	Chas. Hall	"
General Passenger Agent	Alex Hilton	"
Assistant General Passenger Agent	B. F. Bowes	"
Assistant General Passenger Agent	J. C. Lovrien	Kansas City, Mo.
Assistant General Passenger Agent	J. N. Cornatzar	Memphis, Tenn.
General Baggage Agent	W. M. Dyer	Springfield, Mo.
Land Commissioner	R. T. Booth	St. Louis, Mo.

Correspondence concerning this report should be addressed to A. Douglas, Fourth Vice-president and General Auditor, 906 Olive street, St. Louis, Mo.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

Name.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Birmingham Belt Rld. Co.	Sole.	Stock ownership.	100 per cent.	Direct.
Chicago & Eastern Ill. Rld. Co.	do.	do.	60 per cent.	do.
Col. Sou., N. O. & Pac. Rld. Co.	do.	do.	100 per cent.	do.
Ft. Worth & Rio Grande Rly. Co.	do.	do.	do.	do.
K. C. Ft. Scott & M. Rly. Co.	do.	do.	do.	do.
K. C. M. & Birmingham Rld. Co.	do.	do.	do.	Indirect.
K. C. & M. Rly. & Bridge Co.	do.	do.	do.	do.
Paris & Gt. Northern Rld. Co.	do.	do.	do.	Direct.
St. L., San. Fran. & Tex. Rly. Co.	do.	do.	do.	do.
B'mont, Sour Lake & W. Rly. Co.	do.	do.	do.	Indirect.
Orange & Northwestern Rld. Co.	do.	do.	do.	do.
Connerville So. W. Rld. Co.	do.	do.	do.	do.
Tyronza Central Rld. Co,	do.	do.	do.	do.
Kansas Southwestern Rly. Co.	Joint.	do.	50 per cent.	Direct.
New Orleans Terminal Co.	do.	do.	do.	do.
Terminal Rld. Ass'n of St. L.	do.	do.	7 per cent.	do.
Birmingham Terminal Co.	do.	do.	16 per cent.	do.
Kansas City Belt Rly. Co.	do.	do.	30 per cent.	Indirect.
R.-Island, Frisco Term. Rly. Co.	do.	do.	40 per cent.	Direct.
Union Depot Co., Kansas City.	do.	do.	9 per cent.	Indirect.
Inactive Corporations.				
Alexandria, B. M. & G. Rly. Co.	Sole.	do.	100 per cent.	Direct.
Cape Girardeau Terminal Rly. Co.	do.	do.	do.	do.
Frisco, Okla. City & Tex. Rld. Co.	do.	do.	do.	do.
Joplin Rly. Co.	do.	do.	do.	do.
Memphis & New Orleans Rly. Co.	do.	do.	do.	do.
Okla. City & So. E. Rld. Co.	do.	do.	do.	do.
Red River, T. & S. Rly. Co.	do.	do.	do.	do.

The Central Trust Company of New York, trustee, through stock ownership of more than fifty per cent. of the capital stock outstanding, controls the property.

ROAD OPERATED, ENTIRE LINE.

Name.	Termini. From	Termini. To	Miles for each road named.	Miles for each class of roads named.
Main line owned:				
St. Louis & San Francisco Rld. Co.	St. Louis, Mo.	South bank Red river	718.28	
	Springfield, Mo.	Knoche Jct., Mo.	185.69	
	Monett, Mo.	Red river (Arthur)	285.79	
	Pierce City, Mo.	Ellsworth, Kan.	323.80	
	Beaumont, Kan.	South bank Red river	318.41	
	Sapulpa, Okla.	No. M., K. & T. Rly. Jct.	192.65	
	Hope, Ark.	Ardmore, Okla.	223.28	
	A. V. & W. Jct., Okla.	Avard, Okla.	175.25	
	Fayetteville, Ark.	Okmulgee, Okla.	143.90	
	Southeastern Jct., Mo.	Luscord, Ark.	241.70	
	Nash, Mo.	Hoxie, Ark.	121.00	
	Gulf Jct., Mo.	Leachville, Ark.	118.20	
				3,047.95
Branches and spurs owned	Cuba Jct., Mo.	Salem, Mo., and branches	59.54	
	Springfield, Mo.	Chadwick, Mo.	34.86	
	Oronogo, Mo.	Joplin, Mo.	9.32	
	Girard, Kan.	Galena, Kan.	46.98	
	Scullin, Okla.	Sulphur Springs, Okla.	8.72	
	Fayetteville, Ark.	Pettigrew, Ark.	41.32	
	Granby, Mo.	Granby Mines	1.50	
	Mead, Okla.	Platter, Okla.	9.24	
	Rogers, Ark.	Grove, Okla.	47.16	
	Jenson, Ark.	Mansfield, Ark.	18.34	
	Springfield, Mo., Belt Line		3.18	
	Mingo, Mo.	Hunter, Mo.	45.80	
	Hayti, Mo.	Grassy Bayou, via Caruthersville	15.70	
	Clarkton, Mo.	Malden, Mo.	7.30	
	Kennett, Mo.	Hayti, Mo.	18.30	
	Wardell, Mo.	Deering, Mo.	12.10	
	Zalma, Mo.	Aquilla, Mo.	18.40	
	VanDuser, Mo.	Gibson, Mo.	56.00	
	Talliposa, Mo.	Wardell, Mo.	10.70	
	Pittsburg, Kan.	Weir City, Kan., and mine	10.48	
				474.89
Line operated under lease for specified sum:				
K. C., F. S. & M. Rly. Co.	Kansas City, Mo.	Springfield, Mo.	202.00	
	Springfield, Mo.	Memphis, Tenn.	235.78	
	Linton, Kan.	Rich Hill, Mo.	20.78	
	Edward, Kan.	Webb City, Mo.	80.17	
	Arcadia, Kan.	Cherryvale, Kan.	74.50	
	Wier Jct., Kan.	Weir City, Kan.	3.94	
	Baxter, Kan.	Afton, Okla.	26.16	
	Greenfield, Mo.	Aurora, Mo.	37.67	
	Big Creek, Ark.	Evadale, Ark.	16.50	
	Du Kerville, Ark.	Luxora, Ark.	36.30	
	Jacques Jct., Ark.	Extension, Kan.	1.06	
	Willow Springs, Mo.	Grandin, Mo.	31.95	
	Bonnerville, Ark.	Estico, Ark.	35.75	
	Tyronza Jct., Ark.	End of Track, Ark.	11.40	
K. C., M. & B. Rld.	Memphis, Tenn.	Birmingham, Ala.	253.24	
	Aberdeen Jct., Miss.	Aberdeen, Miss.	12.27	
	Pratt City, Ala.	Bessemer, Ala.	11.06	
	Bergens, Ala.	Empire, Ala.	9.09	
				1,199.62
Lines operated under trackage rights:				
Kansas City Suburban Belt Rly.	Knoche Jct., Mo.	Kansas City, Mo.	3.80	
M. K. & T. Rly.	No. M., K. & T. Jct., Okla.	State Line, Tex.	.16	
Choctaw, O. & G. Rly.	In Ardmore, Okla.		.22	
				4.18
Total mileage				4,726.64

PROFIT AND LOSS ACCOUNT.

	Dr.	Cr.
Balance June 30, 1907		$5,841,118 11
Balance for year brought forward from income account		728,150 60
Additions for year:		
Unpaid vouchers, pay-rolls and miscellaneous liability accounts written off		60,536 61
Deductions for year:		
Annual instalment from franchise and property	$250,000 00	
Discount on securities	836,241 91	
Depreciation in the value of equipment	499,727 00	
State tax on increase in capital stock	50,000 00	
Cost of Taylor City Belt Railroad after deducting receipt	25,100 29	
Miscellaneous accounts written off	52,918 99	
Dividends declared out of surplus, on preferred stock	199,742 12	
Balance credit June 30, 1908, carried to balance-sheet	4,216,075 01	
Totals	$6,129,805 32	$6,129,805 32

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908. Increase.	Decrease.
$164,210,713 01	Cost of road	$165,137,969 09	$927,256 08	
7,458,697 31	Cost of equipment	9,241,435 88	1,782,738 57	
208,845 69	Stocks owned	208,845 69		
27,560,787 13	C. & E. I. Rld. stocks	27,560,787 13		
75,140,429 74	Leasehold estate (K. C. F. S. & M. Rly.)	75,422,955 69	282,525 95	
15,551,375 76	Leasehold estate (K. C. M. & B. Rld.)	15,551,375 76		
1,225,325 00	Bonds deposited			$1,225,325 00
8,918,941 13	Cash and current assets	11,815,731 18	2,896,790 05	
9,311,234 01	Equipment trusts	14,823,628 79	5,512,394 78	
2,716,953 19	Materials and supplies	3,831,329 86	1,114,376 67	
439,998 18	Sinking, insurance, and other funds	484,807 60	44,809 42	
125,000 00	St. L. & S. F. Rld. refunding mortgage 4 % bonds, in trust	125,000 00		
$321,721,316 78	Grand totals	$345,744,552 40	$24,023,235 62	
	Liabilities.			
$50,000,000 00	Capital stock	$50,000,000 00		
133,619,869 99	Funded debt	150,864,579 98	$17,244,709 94	
12,457,549 27	Current liabilities	19,970,192 08	7,512,642 76	
985,313 45	Accrued interest on funded debt not yet payable	1,132,072 21	146,758 76	
27,362,050 00	C. E. & I. Rld. stock certificates	27,362,050 00		
75,690,502 00	Outstanding securities on leasehold estate (K. C. F. S. & M. Rly.)	76,034,400 00	343,898 00	
15,622,920 00	Outstanding securities on leasehold estate (K. C. M. & B. Rld.)	15,622,920 00		
221,951 43	Taxes accrued, not yet due	134,708 35		87,243 08
295,042 53	Sinking-funds accrued	282,554 87		12,487 66
125,000 00	Improvement and equipment funds, Northwestern division	125,000 00		
5,341,118 11	Profit and loss	4,216,075 01		1,125,043 10
$321,721,316 78	Grand totals	$345,744,552 40	$24,023,235 62	

UNION PACIFIC RAILROAD COMPANY.

HISTORY.

The Union Pacific Railroad Company was organized July 1, 1897, under an act of the legislature of the state of Utah, approved January 22, 1897. It is a reorganized company. The original corporation, the Union Pacific Railway Company, was organized under acts of Congress of July 1, 1862, and July 2, 1864, and acts amendatory thereto. This company operates its own road.

ORGANIZATION.

Directors.	*Address.*	*Expiration of term.*
Oliver Ames	Boston	October 13, 1908.
W. D. Cornish	New York	"
A. J. Earling	Chicago	"
H. C. Frick	Pittsburg	"
R. W. Goelet	New York	"
E. H. Harriman	Arden, N. Y.	"
Marvin Hughitt	Chicago	"
R. S. Lovett	New York	"
C. A. Peabody	"	"
W. G. Rockefeller	"	"
H. H. Rogers	"	"
Joseph F. Smith	Salt Lake City	"
Wm. Mabil	New York	"
P. A. Valentine	Chicago	"
Frank A. Vanderlip	New York	"

TEN LARGEST HOLDERS OF VOTING SECURITIES.

NAME.	Number of votes.	Par value of stock held.	
		Common.	Preferred.
G. W. Borenizer	25,490		$2,549,000 00
E. H. Harriman	104,675	$10,415,000 00	52,500 00
Harriman & Co	28,420	41,000 00	2,801,000 00
S. Haymann	48,470		4,847,000 00
Jos. Herbert	29,000		2,900,000 00
Kuhn, Loeb & Co	495,023	28,943,300 00	20,559,000 00
Leon Bros	35,090	5,000 00	3,504,000 00
Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondsen, opgericht door Broes & Gosman, Ten Have & Van Essen en Jarman & Zoonen to Amsterdam	76,336	2,176,600 00	5,457,000 00
S. Siegman	55,970	560,000 00	5,087,000 00
E. S. Steiman	40,328	1,490,200 00	2,542,600 00

Date of last meeting of stockholders for election of directors, October 8, 1907. Total number of stockholders at date of last election, 14,601.

Each share of stock has one vote.

No issue of securities has contingent voting rights or special privileges in the election of directors.

OFFICERS.

Title.	*Name.*	*Location of office.*
Chairman of Executive Committee	E. H. Harriman	New York.
President	E H. Harriman	"
Vice-president	Wm. D. Cornish	"
Secretary	Alex. Millar	"
Assistant Secretary	Jos. Hellen	"
Treasurer	Fredrick V. S. Crosby	"
General Solicitor	N. H Loomis	Omaha, Neb.
Counsel	R. S. Lovett	New York.
Attorney	Maxwell Evarts	"
Attorney	F. C. Dillard	Chicago.
Comptroller	Wm. Mahl	New York.
Assistant Comptroller	H. S. Bradt	"
General Auditor	Erastus Young	Omaha, Neb.
Auditor	H. S. Sterling	"
Vice-president and General Manager	A. L. Mohler	"
Chief Engineer	R. L. Huntley	"
General Superintendent	W. L. Park	"
Superintendent	J. O. Brinkerhoff	Kansas City, Mo.
Superintendent	Chas. Ware	Omaha, Neb.
Superintendent	H. L. Anderson	Cheyenne, Wyo.
Superintendent	A. F. Vick Roy	Denver, Colo.
Superintendent	Wm. A. Whitney	Ogden, Utah.
Superintendent of Telegraph	J. B. Sheldon	Omaha, Neb.
Freight Traffic Manager	J. A. Munroe	"
General Freight Agent	E. H. Wood	"
First Assistant General Freight Agent	Chas. J. Lane	"
Assistant General Freight Agent	W. H. Garratt	"
General Passenger and Ticket Agent	E. L. Lomax	"
Assistant General Passenger Agent	W. H. Murray	"
Assistant General Passenger Agent	W. S. Basinger	"
General Baggage Agent	Andrew Traynor	Council Bluffs, Ia.
Land Commissioner	B. A. McAllaster	Omaha, Neb.
Director of Purchases	W. V. S. Thorne	New York.

Correspondence concerning this report should be addressed to H. J. Sterling, Auditor, Omaha, Neb.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Active Corporations.				
Columbia River & O. C. Rld. Co.	Sole.	Title to securities	100 per cent.	Direct.
Columbia Southern Rly. Co.	do.	do.	do.	do.
Grays Harbor and P. S. Rld. Co.	do.	do.	do.	do.
Ilwaco Rld Co.	do.	do.	do.	do.
Kansas City Terminal Rly. Co.	Joint.	do.	10 per cent.	do.
Leavenworth Depot and Rld. Co.	do.	do.	33⅓ per cent.	do.
Leavenworth & Topeka Rly. Co.	do.	do.	50 per cent.	do.
Ogden Union Depot & Rld. Co.	do.	do.	do.	do.
Oregon & Washington Rld. Co.	Sole.	do.	100 per cent.	do.
Oregon Short Line Rld. Co.	do.	do.	do.	do.
Snake River Valley Rld. Co.	do.	do.	do.	do.
South Omaha & Western Rld. Co.	do.	do.	do.	do.
Spokane Union Depot Co.	do.	do.	do.	do.
Union Depot & Rly. Co., Denver.	Joint.	do.	60 per cent.	do.
Union Depot Co., Kansas City.	do.	do.	One-eleventh.	do.
Inactive Corporations.				
Arkansas Valley Rld. Co.	Sole.	do.		do.
Carbon Cut-off Rly. Co.	do.	do.	100 per cent.	do.
Colorado Western Rld. Co.	do.	do.	do.	do.
Columbia Southern Rly. Ext. Co.	do.	do.	do.	do.
Denver & Boulder Valley Rld. Co.	do.	do.	2.43 per cent.	do.
Dallas & Southern Rly. Co.	do.	do.	100 per cent.	do.
Echo & Park City Rly. Co.	do.	do.	do.	do.
Gray's Peak, S. R. & L.	do.	do.	do.	do.
Golden, Boulder & Caribou Rly. Co.	do.	do.	do.	do.
Junction C'y & Ft. Kearney Rly. Co.	do.	do.	72.34 per cent.	do.
Kansas Central Rld. Co.	do.	do.	97.43 per cent.	do.
Kearney & Black Hills Rld. Co.	do.	do.	56.72 per cent.	do.
Laramie, N. P. & P. Rld. & Tel. Co.	do.	do.	100 per cent.	do.

TRANSPORTATION CORPORATIONS CONTROLLED BY RESPONDENT.—CONCLUDED.

NAME.	Control.			
	Sole or joint.	How established.	Extent.	Direct or indirect.
Inactive Corporations:				
Lawrence & Emporia Rly. Co.....	Sole.	Title to securities*	100 per cent.....	Direct.
Leavenworth, K. & West. Rly. Co..	do.	do.	do.	do.
Loveland Pass M. & Rld. Tun. Co..	do.	do.	do.	do.
Omaha & Elkhorn Valley Rly. Co..	do.	do.	do.	do.
Omaha & Republican Val. Rly. Co..	do.	do.	96.15 per cent.....	do.
Oregon S. L. & Utah Northern....	Joint.	do.	.10 per cent.....	do.
Oregon Southern Rly. Co.....	Sole.	do.	100 per cent.....	do.
Salina & Southwestern Rly. Co....	do.	do.	80.34 per cent.....	do.
Solomon Rld. Co.....	do.	do.	90.35 per cent.....	do.
South Pk. & Leadville S. L. Rld. Co.	do.	do.	100 per cent.....	do.
St. L., C & O. Rld. Co.....	do.	do.	1 per cent.....	do.
Topeka & Northwestern Rld. Co...	do.	do.	100 per cent.....	do.
Union Pacific, L. & Colo. Rly. Co..	do.	do.	do.	do.
Union Pacific & W. Colo. Rly. Co..	do.	do.	do.	do.
Union Pacific Rly. Co.....	do.	do.	do.	do.
Utah Eastern Rld. Co.....	do.	do.	68.73 per cent.....	do.
Utah Western Rly. Co.....	do.	do.		do.

* Issued or assumed to exercise the major part of the voting power in such corporation.

ROAD OPERATED, ENTIRE LINE.

NAME.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Union Pacific Rld. Co.:				
Nebraska division....	Council Bluffs, Iowa.....	North Platte, Neb.....	298.23	
	Initial Point spur.....	Omaha, Neb.....	3.95	
Wyoming division....	North Platte, Neb.....	Rawlins, Wyo.....	398.93	
Utah division.....	Rawlins, Wyo.....	Ogden, Utah.....	310.36	
Kansas division.....	Kansas City, Mo.....	Ellis, Kan.....	302.58	
Colorado division	Ellis, Kan.....	Denver, Colo.....	336.94	
	Cheyenne, Wyo.....	Denver, Colo.....	104.15	
	Julesburg, Colo.....	La Salle, Colo.....	151.53	
Branches and spurs owned:				1,901.67
Beatrice branch.....	Valley, Neb.....	Beatrice, Neb.....	96.72	
Stromsburg branch..	Valparaiso, Neb.....	Central City, Neb.....	75.28	
Norfolk branch.....	Columbus, Neb.....	Norfolk, Neb.....	50.37	
Albion branch.....	Oconee, Neb.....	Albion, Neb.....	34.54	
Cedar Rapids branch.	Genoa, Neb.....	Spalding, Neb.....	44.42	
Ord branch.....	Grand Island, Neb.....	Ord, Neb.....	60.77	
Scotia branch.....	Scotia Junction, Neb.....	Scotia, Neb.....	1.37	
Loup City branch....	St. Paul, Neb.....	Loup City, Neb.....	39.40	
Pleasanton branch...	Boelus, Neb.....	Pleasanton, Neb.....	22.09	
Kearney branch.....	Kearney, Neb.....	Callaway, Neb.....	65.79	
North Platte branch.	O'Fallons, Neb.....	Lutherville, Neb.....	62.10	
Superior branch.....	Thayer, Wyo.....	Superior, Neb.....	9.05	
Gunn branch.....	At Gunn Junction, Wyo..	.....	.14	
Park City branch....	Echo, Utah.....	Park City, Utah.....	27.59	
Leav.-Western br....	Leavenworth, Kan.....	Miltonvale, Kan.....	165 33	
Leavenworth branch.	Leavenworth, Kan.....	Lawrence, Kan.....	31.63	
Topeka branch.....	Menoken, Kan.....	Onaga, Kan.....	37.50	
Manhattan branch...	Manhattan, Kan.....	Beatrice, Neb.....	92.33	
Blue Springs branch.	Blue Springs Jct., Neb. ..	Blue Springs, Neb.....	.67	
Junction City br.....	Junction City, Kan.....	Concordia, Kan.....	70.86	
	Lawrenceburg, Kan.....	Belleville, Kan.....	17.15	
Enterprise branch...	Detroit, Kan.....	Enterprise, Kan.....	1.96	
Solomon branch	Solomon, Kan.....	Beloit, Kan.....	56.97	
McPherson branch...	Salina, Kan.....	McPherson, Kan.....	35.46	
Plainville branch.....	Salina, Kan.....	Plainville, Kan.....	103 35	
Colby branch.....	Oakley, Kan.....	Plainville, Kan.....	122.00	
Boulder branch.....	Brighton, Colo.....	Boulder, Colo.....	27.00	
	St. Vrains, Colo.....	Grant, Colo.....	6.47	
	Diamond, Colo.....	Baum, Colo.....	.96	

ROAD OPERATED, ENTIRE LINE—CONTINUED.

Name.	Termini.		Miles for each road named.	Miles for each class of roads named.
	From	To		
Branches and spurs owned	McKissick br. at Johnson, Colo.		.85	
	Puritan br. at Parkdale, Colo.		.06	
Lines operated under trackage rights:				1,360.18
S. Omaha & W. Rly.	Summit, Neb.	Lane, Neb.	11.61	
Missouri Pacific Rly.	Kansas City, Kan.	Leavenworth Jct., Kan.	19.94	
A. T. & S. F. Rly.	At Valley Falls, Kan.		.57	
The Leav. Depot and Rld. Co.	At Leavenworth, Kan.		.15	
Gunn-Quealey Coal Co.	Gunn Junction, Wyo.	Gunn, Wyo.	8.79	
Parkdale Fuel Co.	Puritan Junction, Colo.	Puritan, Colo.	8.01	
				39.07
Total mileage				3,300.92

OUTSIDE OPERATIONS AND OTHER PROPERTIES.

Designation of outside operations.	Character of business.	State.
Dining and Special car service	Feeding passengers and employees	All states.
Gas-producing plants	Manufacture of illuminating-gas for trains	Council Bluffs, Ia., K.C., Mo.
Hotels and restaurants	Feeding and lodging passengers, employees and public	All states.
Miscellaneous: Rents of various buildings not required for railroad operations		Omaha, Neb.
Designation of other properties: Land and town lots	Land transactions	Nebraska, Colo., Wyo., Utah.

ROAD ACQUIRED BY RESPONDENT FOR OPERATION THROUGH LEASE OR OTHER AGREEMENT.

Name of Owning Company.	Miles.	Date.
South Omaha & Western Rly.	11.61	June 28, 1908

ROADS ASSIGNED TO ANOTHER CARRIER FOR OPERATION THROUGH LEASE OR OTHER AGREEMENT.

Name of Operating Company.	Miles.	Date.	Term.
Colorado & Southern Rly.	2.04*		
Central Pacific Rly.	5.00	June 13, 1875	June 12, 1874

*Ownership claimed by C. & S.

ADDITIONS AND BETTERMENTS EXPENDITURES.

Total (entire line) charged to capital $4,064,654.81

"The Union Pacific Railroad Company states it has not adopted the Interstate Commerce Commission tentative classification of additions and betterments, and is therefore unable to furnish the detailed information requested on page 33." (Annual report to the Board of Railroad Commissioners of the state of Kansas, year ending June 30, 1908.)

COMPARATIVE GENERAL BALANCE-SHEET.

June 30, 1907.	Assets.	June 30, 1908.	Year ending June 30, 1908.	
			Increase.	Decrease.
$228,773,871 90	Cost of road	$233,827,929 19	$5,054,057 29	
11,108,065 08	Cost of equipment	18,218,855 68	7,110,790 55	
84,765,690 43	Stocks owned	91,407,534 14	6,641,843 71	
76,207,702 42	Funded debt owned	76,043,845 82		$163,856 60
3,281,855 33	Lands owned (contracts and accounts)	3,552,253 48	270,398 15	
58,960,149 08	Cash and current assets	151,476,840 32	92,516,691 24	
7,409,378 49	Material and supplies	8,792,375 34	1,382,996 85	
	Sinking, insurance and other funds	153,428 45	153,428 45	
$470,506,712 73	Grand totals	$583,473,062 37	$112,966,349 64	
	Liabilities.			
$295,049,200 00	Capital stock	$295,059,200 00	$10,000 00	
100,000,000 00	Funded debt	198,296,567 94	98,296,567 94	
45,964,145 94	Current liabilities	46,331,010 36	366,864 42	
	Accrued interest on funded debt not yet payable	78,416 67	78,416 67	
3,281,855 33	Principal of deferred payments on land contracts	3,542,429 21	260,573 88	
7,344,716 23	Renewal and replacement funds	886,162 83		6,458,553 40
18,866,795 23	Profit and loss	89,279,275 36	20,412,480 13	
$470,506,712 73	Grand totals	$583,473,062 37	$112,966,349 64	

PART III.

STATISTICAL TABLES.

INDEX TO STATISTICAL TABLES.

In all tables which give information as to both main lines and subsidiary lines, the main lines are printed flush and the subsidiary lines are indented.

1. Mileage of each road operated, entire line.
2. Capital stock, entire line.
3. Funded debt, entire line.
4. Stock and debt, entire line.
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7. Railway stocks owned, entire line.
8. Funded debt owned, entire line.
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11. Income account, entire line.
12. Traffic and mileage statistics, entire line.
13. Description of equipment, entire line.
14. Train-brakes and automatic couplers, entire line.
15. Mileage of each road operated, all tracks, state of Kansas.
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17. Operating revenues, state of Kansas.
18. Operating expenses, state of Kansas.
19. Freight traffic movement, state of Kansas.
20. Passenger traffic, state of Kansas.

20*a*. Freight traffic, state of Kansas.

20*b*. Passenger and freight traffic, state of Kansas.

21. Locomotive mileage, state of Kansas.
22. Car mileage, state of Kansas.
23. Train mileage, state of Kansas.
24. Consumption of fuel by locomotives, state of Kansas.
25. Renewal of rails and ties during year, state of Kansas.
26. Characteristics of road.
27. Employees and salaries, state of Kansas.
28. Accidents to persons, state of Kansas.

TABLE No. 1. Mileage of Each Road Operated, Entire Line.

Roads.	Line owned.								Line of proprietry companies.			
	Main line.				Branches and spurs.							
	Single track	Second track	Yard track and sidings	Total	Single track	Second track	Yard track and sidings	Total	Single track	Second track	Yard track and sidings	Total
Atchison, Topeka & Santa Fe	3,879.86	280.73	1,606.19	5,766.78	2,706.91	.....	404.29	3,111.20	.....	.....	.....	.....
Chicago, Burlington & Quincy	822.41	474.60	704.26	2,001.27	7,461.63	129.19	1,732.29	9,323.11	525.05	.....	94.17	619.22
Chicago, Rock Island & Pacific	3,428.12	289.37	1,085.86	4,803.35	1,784.31	.....	231.87	2,016.18	.....	.....	.....	.....
Kansas Southwestern	59.35	.....	5.85	65.20	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	8.70	9.54	35.06	53.30	1.32	.....	.....	1.32	.....	.....	.....	.....
Kansas City, Fort Scott & Memphis	487.78	.....	.....	487.78	426.18	.....	.....	426.18	.....	.....	.....	.....
Kansas City Southern	368.56	5.57	180.62	554.75	16.16	.....	3.91	20.07	431.29	.....	137.32	568.61
Kansas City, Mexico & Orient	257.80	.....	33.58	291.38	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	44.66	.....	4.96	49.62	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	1.04	1.04	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	2,768.12	.....	734.02	3,502.14	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	482.11	26.68	285.58	794.37	652.30	1.40	192.65	846.35	2,073.54	9.13	297.69	2,380.36
Central Branch	293.39	.....	49.29	342.68	94.80	.....	4.21	99.01	.....	.....	.....	.....
St. Joseph & Grand Island	251.06	.....	54.75	305.81	.....	.....	.....	.....	.....	.....	.....	.....
St. Louis & San Francisco	3,047.95	16.55	630.80	3,695.30	464.41	.....	105.15	569.56	10.48	.....	7.43	17.91
Union Pacific	1,901.67	365.85	996.23	3,263.75	1,860.18	.....	165.62	1,525.80	.....	.....	.....	.....
Totals	18,101.54	1,568.89	6,408.09	26,078.52	14,968.20	130.59	2,839.99	17,938.78	3,040.36	9.13	536.61	3,586.10

TABLE No. 1—*Continued.* Mileage of Each Road Operated, Entire Line.

Roads.	Line operated under lease.				Line operated under trackage rights.				Total mileage operated.			
	Single track	Second track	Yard track and sidings	Total	Single track	Second track	Yard track and sidings	Total	Single track	Second track	Yard track and sidings	Total
Atchison, Topeka & Santa Fe	405.66	.....	93.91	499.57	109.19	52.84	45.21	207.24	7,101.62	433.57	2,149.60	9,684.79
Chicago, Burlington & Quincy	.....	.....	.....	.....	214.56	57.44	.....	272.00	9,023.65	661.23	2,530.72	12,215.60
Chicago, Rock Island & Pacific	1,415.49	.....	363.42	1,778.91	773.81	.....	19.35	793.16	7,401.73	289.37	1,700.50	9,391.60
Kansas Southwestern	.....	.....	.....	.....	1.25	.....	.....	1.25	60.60	.....	5.85	66.45
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	10.02	9.54	35.06	54.62
Kansas City, Fort Scott & Memphis	.....	.....	.....	.....	.....	.....	.....	.....	913.96	.....	.....	913.96
Kansas City Southern	.....	.....	3.66	3.66	11.08	.....	.....	11.08	827.04	5.57	[1]325.51	1,158.12
Kansas City, Mexico & Orient	.....	.....	.....	.....	12.78	.....	.....	12.78	270.58	.....	33.58	304.16
Leavenworth & Topeka	.....	.....	.....	.....	11.46	.....	.....	11.46	56.12	.....	4.96	61.08
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.04	1.04
Missouri, Kansas & Texas	19.2.	.....	.....	19.29	284.80	.....	.....	284.80	3,072.21	.....	734.02	3,806.23
Missouri Pacific	224.06	.....	79.28	303.34	59.67	.....	.....	59.67	3,491.68	37.21	855.20	4,384.09
Central Branch	.....	.....	.....	.....	.....	.....	.....	.....	388.19	.....	53.50	441.69
St. Joseph & Grand Island	.....	.....	.....	.....	61.15	.....	.....	61.15	312.21	.....	54.75	366.96
St. Louis & San Francisco	1,199.62	23.90	512.80	1,736.32	4.18	.....	.....	4.18	4,726.64	40.45	1,256.18	6,023.27
Union Pacific	.....	.....	.....	.....	39.07	11.61	1.32	52.00	3,300.92	377.46	1,163.17	4,841.55
Totals	3,264.12	23.90	1,053.07	4,341.09	1,582.95	121.89	65.88	1,770.72	40,957.17	1,854.40	10,903.64	53,715.21

1. Also owns one-fourth interest in one and one-fourth miles siding.

TABLE No. 1—*Concluded.* Mileage of Each Road Operated, Entire Line.

Roads.	New line constructed during year.				Rails.							
					Iron.				Steel.			
	Single track.	Second track.	Yard track and sidings.	Total.	Single track.	Second track.	Yard track and sidings.	Total.	Single track.	Second track.	Yard track and sidings.	Total.
Atchison, Topeka & Santa Fe	52.06	41.11	28.05	121.22	8.35	.....	192.24	200.59	6,984.08	380.73	1,912.15	9,276.96
Chicago, Burlington & Quincy	22.65	50.14	90.95	163.74	20.37	.....	135.47	155 84	8,788.72	608.79	2,395.25	11,787.76
Chicago, Rock Island & Pacific	56.23	.19	18.29	74.71	.....	.....	.....	.....	6,790.23	289.37	1,700.50	8,780.10
Kansas Southwestern	.....	.....	.12	.12	.....	.....	.....	.....	59.35	.....	5.85	65.20
Kansas City Belt	.....	.....	1.09	1.09	.....	.....	.....	.....	10.02	9.54	35.06	54.62
Kansas City, Fort Scott & Memphis	.....	.....	.....	.....	.....	.....	.....	.....	913.96	.....	.....	913.96
Kansas City Southern	.....	.....	28.61	28.61	.....	.....	.....	.....	816.61	5.57	325.51	1,147.09
Kansas City, Mexico & Orient	81.99	.....	11.81	93.80	.....	.....	.....	.....	257.80	.....	33.58	291 38
Leavenworth & Topeka	.....	.....	.....	.....	9.34	.....	2.12	11.46	35.32	.....	2.84	38.16
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1.04	1.04
Missouri, Kansas and Texas	.....	.....	50.51	50.51	.....	.....	.....	.....	2,839.26	.....	734.02	3,573.28
Missouri Pacific	.....	.....	.....	.....	15.88	.....	165.32	181.20	3,416.13	37.21	689.88	4,143.22
Central Branch	.....	.....	.....	.....	1.58	.....	45.20	46.78	386 61	.....	8.30	394.91
St. Joseph & Grand Island	6.79	.....	1.06	7.85	.....	.....	1.94	1.94	257.85	.....	52.81	310.66
St. Louis & San Francisco	.....	.....	20.99	20.99	.....	.....	57.51	57.51	4,722.46	40.45	1,198.67	5,961.58
Union Pacific	62.30	82.26	64.70	209.26	.....	.....	54.37	54.37	3,261.85	365.85	1,107.48	4,735.18
Totals	282.02	173.70	316.18	771.90	55.52	.....	654.17	709 69	39,539.65	1,732.51	10,202.94	51,475.10

TABLE No. 2. Capital Stock, Entire Line.

ROADS.	Number of shares authorized.	Par value of of one share.	Total par value authorized.	Total par value outstanding.	Total par value held by respondent corporation.	Total par value not held by respondent corporation.
Atchison, Topeka & Santa Fe	3,814,860	$100 00	$331,486,000 00	$217,200,530 00	$70,800 00	$217,130,230 00
Chicago, Burlington & Quincy	1,108,391	100 00	110,839,100 00	110,839,100 00	.....	110,839,100 00
Chicago, Rock Island & Pacific	750,000	100 00	75,000,000 00	74,859,600 00	812 50	74,999,187 50
Kansas Southwestern	3,620	100 00	362,000 00	362,000 00	.....	362,000 00
Kansas City Belt	25,000	100 00	2,500,000 00	550,000 00	.....	550,000 00
Kansas City, Fort Scott & Memphis	285,100	100 00	28,510,000 00	28,510,000 00	.....	28,510,000 00
Kansas City Southern	510,000	100 00	51,000,000 00	51,000,000 00	.....	51,000,000 00
Kansas City, Mexico & Orient	250,000	100 00	25,000,000 00	20,208,800 00	4,800 00	20,204,000 90
Leavenworth & Topeka	2,500	100 00	250,000 00	50,000 00	.....	50,000,000 00
Leavenworth Terminal Railway and Bridge	6,000	100 00	600,000 00	600,000 00	.....	.....
Leavenworth Depot and Railroad Company	1,750	100 00	175,000 00	150,000 00	25,000 00	25,000 00
Missouri, Kansas & Texas	829,703	100 00	82,970,300 00	80,222,800 00	28,643 00	80,194,157 00
Missouri Pacific	1,000,000	100 00	100,000,000 00	79,753,985 00	410,015 00	79,343,970 00
Central Branch	75,850	100 00	7,585,000 00	7,585,000 00	.....	7,585,000 00
Rooks County Railroad	5,000	100 00	500,000 00	500,000 00	.....	500,000 00
Kansas City & Southwestern	7,000	100 00	700,000 00	276,000 00	.....	276,000 00
Kansas & Colorado Pacific	270,000	100 00	27,000,000 00	25,498,100 00	.....	25,498,100 00
St. Joseph & Grand Island	136,000	100 00	13,600,000 00	13,598,500 00	1,500 00	13,598,500 00
St. Louis & San Francisco	2,000,000	100 00	200,000,000 00	50,000,000 00	6,737 70	49,993,262 30
Union Pacific	4,961,787	100 00	496,178,700 00	295,059,200 00	27,200 00	295,032,000 00
Totals	16,042,561	.....	$1,604,256,100 00	$1,056,823,615 00	$575,008.20	$1,055,690,506 80

TABLE No. 2—*Continued.* Capital Stock, Entire Line.

Roads.	Dividends declared during year.		Number shares issued during year.	Cash realized on amount issued during year.	Total number of shares outstanding.	Total cash realized.
	Rate.	Amount.				
Atchison, Topeka & Santa Fe	[3]	$11,871,297 50			2,172,005	$2,000 00
Chicago, Burlington & Quincy		15,517,474 00			1,108,391	
Chicago, Rock Island & Pacific	5¼%	3,929,785 00	50	$5,000 00	750,000	75,000,000 00
Kansas Southwestern					3,620	
Kansas City Belt					5,500	550,000 00
Kansas City, Fort Scott & Memphis	[1] 4	540,400 00			285,100	
Kansas City Southern	[1] 4	840,000 00			510,000	2,296,650 00
Kansas City, Mexico & Orient			28,900		202,088	
Leavenworth & Topeka					500	50,000 00
Leavenworth Terminal Railway and Bridge					6,000	
Leavenworth Depot and Railroad Company					1,500	
Missouri, Kansas & Texas	[1] 4	520,000 00			802,228	
Missouri Pacific	2½	1,935,210 00	19,361	1,936,110 00	797,539	30,209,064 81
Central Branch					75,850	
Rooks County Railroad					5,000	
Kansas City & Southwestern					2,760	
Kansas & Colorado Pacific					254,981	
St. Joseph & Grand Island					135,985	20,384 00
St. Louis & San Francisco	[2] 4	199,742 12			499,332	
Union Pacific	[4]	28,580,554 00	100		2,950,592	2,000 00
Totals		$58,384,462 62	48,411	$1,941,110 00	10,569,571	$108,130,088 81

1. On preferred stock only.
2. On first preferred stock only.
3. Five and one-half per cent. on common and five per cent. on preferred.
4. Ten per cent. on common and four per cent. on preferred.

TABLE No. 2—*Concluded.* Capital Stock, Entire Line.

Roads.	Purpose of issue of capital stock.						
	Issued for cash.	For construction of new property.	For additions and betterments.	For purchase of railway or other property.	For acquisition of securities.	For reorganization.	For other purposes.
Atchison, Topeka & Santa Fe	20			98,000		2,069,975	10,010
Chicago, Burlington & Quincy	269,755			47,645		419,600	
Chicago, Rock Island & Pacific							
Kansas Southwestern							
Kansas City Belt	5,500						
Kansas City, Fort Scott & Memphis						295,100	
Kansas City Southern	22,966					487,083	
Kansas City, Mexico & Orient		176,408			25,680		
Leavenworth & Topeka				500			
Leavenworth Terminal Railway and Bridge							
Leavenworth Depot and Railroad Company	1,500						
Missouri, Kansas & Texas							
Missouri Pacific	302,090	14,000			358,169		123,280
Central Branch						75,800	
Rooks County Railroad		5,000					
Kansas City & Southwestern		2,760					
Kansas & Colorado Pacific						254,941	
St. Joseph & Grand Island	700					185,276	9
St. Louis & San Francisco						499,982	
Union Pacific	20					2,900,572	
Totals	615,551	198,168		140,145	383,849	7,178,319	133,299

TABLE No. 3. Funded Debt, Entire Line.

Roads.	Total par value outstanding.				Total par value held by respondent.	Total par value not held by respondent.	Debt per mile of single track owned.
	Mortgage bonds.	Plain bonds, debentures and notes.	All other funded debt.	Total.			
Atchison, Topeka & Santa Fe	$170,417,500 00	$15,000,000 00	$126,498,850 00	$311,916,350 00	$8,306,980 00	$308,609,420 00	$30,290 00
Chicago, Burlington & Quincy	158,449,000 00	16,647,000 00	7,968,000 00	183,064,000 00	325,800 00	182,738,200 00	20,781 26
Chicago, Rock Island & Pacific	162,219,000 00	.....	27,376,541 00	189,595,541 00	8,691,000 00	180,904,541 00	36,374 00
Kansas Southwestern	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	2,500,000 00	.....	.....	2,500,000 00	.....	2,500,000 00	249,501 00
Kansas City, Fort Scott & Memphis	39,095,300 00	.....	2,429,100 00	41,524,400 00	.....	41,524,400 00	45,433 00
Kansas City Southern	36,000,000 00	.....	7,185,660 00	43,185,660 00	.....	43,185,660 00	111,522 00
Kansas City, Mexico & Orient	14,122,000 00	.....	1,961,009 00	16,083,009 00	3,571,000 00	12,513,009 00	28,426 00
Leavenworth & Topeka	250,000 00	.....	.....	250,000 00	.....	250,000 00	5,598 00
Leavenworth Terminal Railway and Bridge	600,000 00	.....	.....	600,000 00	28,000 00	572,000 00	342,857 00
Leavenworth Depot and Railroad Company	150,000 00	.....	.....	150,000 00	.....	.....	.....
Missouri, Kansas & Texas	110,455,000 00	.....	1,764,927 62	112,219,927 62	6,221,500 00	105,998,427 62	40,540 00
Missouri Pacific	30,000,000 00	38,513,000 00	24,012,000 00	92,525,000 00	1,650,500 00	90,874,500 00	28,843 09
Central Branch	5,959,000 00	.....	.....	5,959,000 00	.....	5,959,000 00	15,351 00
Rooks County Railroad	275,000 00	.....	.....	275,000 00	.....	275,000 00	15,068 00
Kansas City & Southwestern	550,000 00	.....	.....	550,000 00	.....	550,000 00	20,370 00
Kansas & Colorado Pacific	43,219,000 00	.....	.....	43,219,000 00	.....	43,219,000 00	29,816 00
St. Joseph & Grand Island	4,000,000 00	.....	80,000 00	4,080,000 00	.....	4,080,000 00	16,251 00
St. Louis & San Francisco	116,053,097 74	.....	34,811,482 19	150,864,579 93	18,009,237 55	132,855,342 38	42,825 00
Union Pacific	123,296,567 94	75,000,000 00	.....	198,296,567 94	1,238,000 00	197,058,567 94	60,662 00
Totals	$1,017,610,465 68	$145,160,000 00	$234,087,569 81	$1,396,858,035 49	$43,041,967 55	$1,353,666,067 94	.....

TABLE No. 3—*Continued.* Funded Debt, Entire Line.

Roads.	Interest.		Total par value issued during year.	Cash realized on amount issued during year.	Total cash realized on entire issue.
	Amount accrued during year.	Amount paid during year.			
Atchison, Topeka & Santa Fe	$12,229,155 37	$12,080,762 04	$33,581,000 00	$32,555,789 67	$134,192,698 97
Chicago, Burlington & Quincy	7,126,009 33	6,966,890 52	16,046,000 00	15,006,000 00	.....
Chicago Rock Island & Pacific	7,526,778 49	7,449,458 23	9,368,541 00	586,541 00	181,847,255 00
Kansas Southwestern	.....	.....	.....	.....	.....
Kansas City Belt	150,000 00	150,000 00	.....	.....	2,452,000 00
Kansas City, Fort Scott & Memphis	2,080,078 83	2,080,078 83	801,000 00	.....	.....
Kansas City Southern	1,225,757 34	1,225,250 00	.....	.....	7,243,892 00
Kansas City, Mexico & Orient	62,027 31	43,924 23	3,540,000 00	.....	.....
Leavenworth & Topeka	10,000 00	10,000 00	45,000 00	45,000 00	250,000 00
Leavenworth Terminal Railway and Bridge	300 00	300 00	.....	.....	.....
Leavenworth Depot and Railroad Company	7,500 00	7,500 00	.....	.....	.....
Missouri, Kansas & Texas	4,688,141 78	4,701,507 50	3,981,124 00	.....	.....
Missouri Pacific	4,191,554 18	4,088,853 75	14,000,000 00	4,494,700 00	32,994,700 00
Central Branch	238,360 00	240,960 00	.....	.....	.....
Rooks County Railroad	16,500 00	.....	.....	.....	.....
Kansas City & Southwestern	33,000 00	.....	.....	.....	.....
Kansas & Colorado Pacific	1,882,695 00	627,148 34	.....	.....	.....
St. Joseph & Grand Island	165,749 96	166,250 00	.....	.....	470,000 00
St. Louis & San Francisco	5,822,949 48	5,822,949 48	19,584,915 54	.....	.....
Union Pacific	6,610,854 39	5,461,010 00	98,296,567 94	88,831,704 82	92,335,596 22
Totals	$54,017,421 46	$51,072,842 92	$199,144,148 48	$141,519,735 49	$451,786,142 19

TABLE No. 3—*Concluded.* Funded Debt, Entire Line.

Roads.	Purpose of issue of debt outstanding.							
	For cash.	Construction of new properties.	Additions and betterments.	Purchase of railway and other property.	Acquisition of securities.	Refundment of securities.	Reorganization.	Other purposes.
Atchison, Topeka & Santa Fe	$89,766,000	$19,824,073	$27,530,505	$11,921,615	.....	.....	$162,874,156	.....
Chicago, Burlington & Quincy	.....	.....	.....	.....	.....	.....	.....	.....
Chicago, Rock Island & Pacific	.....	20,307,000	27,546,541	3,000,000	$43,708,000	$95,084,000	.....	.....
Kansas Southwestern	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	2,500,000	.....	.....	.....	.....	.....	.....	.....
Kansas City, Fort Scott & Memphis	.....	.....	4,200,000	18,279,300	.....	16,616,000	.....	.....
Kansas City Southern	3,000,000	.....	8,902,500	.....	.....	.....	23,197,500	.....
Kansas City, Mexico & Orient	.....	12,773,000	.....	.....	1,349,000	.....	.....	.....
Leavenworth & Topeka	150,000	.....	.....	100,000	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	33,000,000	.....	.....	30,000,000	24,012,000	5,513,000	.....	.....
Central Branch	.....	.....	.....	.....	.....	.....	5,959,000	.....
Rooks County Railroad	.....	275,000	.....	.....	.....	.....	.....	.....
Kansas City & Southwestern	.....	.....	.....	.....	.....	.....	.....	.....
Kansas & Colorado Pacific	.....	23,532	.....	.....	.....	.....	.....	$19,687
St. Joseph & Grand Island	500,000	.....	.....	.....	.....	.....	3,500,000	.....
St. Louis & San Francisco	.....	.....	18,000,000	16,090,125	34,467,828	67,067,043	.....	.....
Union Pacific	75,000,000	.....	26,734,567	.....	6,584,000	.....	89,973,000	.....
Totals	$203,916,000	$53,202,605	$112,914,114	$79,391,040	$110,120,828	$184,280,043	$285,508,656	$19,687

TABLE No. 4. Stock and Debt, Entire Line.

Roads.	Total par value outstanding.	Assignment.		Amount per mile single track owned.		Receivers' certificates outstanding.
		To railways.	To other properties.	Miles.	Amount.	
Atchison, Topeka & Santa Fe	$529,116,880	$529,116,880		10,297.56	$51,383	
Chicago, Burlington & Quincy	293,903,100	293,903,100		8,809.09	33,363	
Chicago, Rock Island & Pacific	264,595,541	264,595,541		5,212.43	50,762	
Kansas Southwestern	362,000	362,000		59.35	6,099	
Kansas City Belt	3,050,000	3,050,000		10.02	304,391	
Kansas City, Fort Scott & Memphis	70,034,400	70,034,400		913.96	76,627	
Kansas City Southern	94,185,660	94,185,660		387.24	243,223	
Kansas City, Mexico & Orient	36,291,809	36,291,809		565.80	64,143	
Leavenworth & Topeka	300,000	300,000		44.66	6,718	
Leavenworth Terminal Railway and Bridge	1,200,000	1,200,000		1.75	685,714	
Leavenworth Depot and Railroad Company	300,000	300,000				
Missouri, Kansas & Texas	192,442,727	192,442,727		2,768.12	69,521	
Missouri Pacific	172,278,985	172,278,985		3,207.95	53,704	
Central Branch	13,544,000	13,544,000		388.19	34,890	
Rooks County Railroad	775,000	775,000		18.25	42,465	
Kansas City & Southwestern	826,000	826,000		27.00	30,592	
Kansas & Colorado Pacific	68,717,100	68,717,100		1,449.51	47,407	
St. Joseph & Grand Island	17,678,500	17,678,500		251.06	70,415	
St. Louis & San Francisco	200,864,579	200,864,579		3,522.84	57,018	
Union Pacific	498,355,767	498,355,767		3,268.89	150,925	
Totals	$2,453,822,048	$2,453,822,048				

TABLE No. 5. Current Assets and Liabilities, Entire Line. Cash and current assets available for payment of current liabilities.

ROADS.	Cash.	Bills receivable.	Due from agents.	Due from solvent companies and individuals.	Traffic balances due from other companies.	Other cash assets.	Balance current liabilities.	Total.
Atchison, Topeka & Santa Fe	$8,818,548 58	$886,666 02	$402,723 30	$6,443,092 61	$1,015,576 26			$17,566,606 77
Chicago, Burlington & Quincy	5,273,702 21	854,245 86		3,514,235 55	1,451,117 63	$65,387 58		11,158,688 83
Chicago, Rock Island & Pacific	2,445,391 77	1,857,668 34	1,758,011 30	6,228,146 90			$1,649,602 11	13,933,820 42
Kansas Southwestern	3,308 62		534 92	5,244 76		281 46	117,583 05	126,952 81
Kansas City Belt	32,258 77			131,918 95		75,461 77	99,635 23	339,274 72
Kansas City, Fort Scott & Memphis								
Kansas City Southern	1,052,671 79	379,919 73	126,338 90	534,060 23	105,002 14	113,443 45		2,311,436 24
Kansas City, Mexico & Orient	3,909 75		22,896 52	105,168 76		25,261 34	1,084,698 36	1,191,934 73
Leavenworth & Topeka	15,236 75		120 36	6,045 35	209 60		14,088 71	85,650 77
Leavenworth Terminal Rly. and Br. Co.	26,909 18		22,823 23					49,732 41
Leavenworth Depot and Railroad Co.	2,751 98	1,939 03						4,691 01
Missouri, Kansas & Texas	1,105,751 80	62,646 65	385,862 97	1,044,408 87			851,238 76	3,449,909 05
Missouri Pacific	1,104,062 28	188,741 45	464,422 72	14,831,383 98		423,050 99		17,011,661 42
Central Branch				341,239 34				341,239 34
Rooks County Railroad							371,250 00	371,250 00
Kansas City & Southwestern							709,500 00	709,500 00
Kansas & Colorado Pacific				13,433 33			2,591,176 67	2,604,610 00
St. Joseph & Grand Island	848,022 10	4,000 00	58,756 53	79,246 34		10,066 57		1,000,091 54
St. Louis & San Francisco	2,548,692 01		980,042 13	6,653,830 60	743,036 24	890,130 20	8,154,460 85	19,970,192 03
Union Pacific	3,679,956 39	85,083,172 65	609,476 44	25,612,464 20	344,596 59		3,147,176 05	118,476,840 32
Totals	$26,961,173 98	$89,318,999 73	$4,832,009 32	$65,538,917 77	$3,659,538 46	$1,603,083 36	$18,740,359 79	$210,654,082 41

TABLE No. 5—*Concluded.* Current Assets and Liabilities, Entire Line. Current liabilities accrued to June 30, 1908.

ROADS.	Loans and bills payable.	Audited vouchers and accounts.	Wages and salaries.	Traffic balances due to other companies.	Dividends not called for.	Matured interest coupons unpaid.	Miscellaneous.	Balance cash assets.	Total.
Atchison, Topeka & Santa Fe	.....	$4,161,487 69	$2,140,333 36	$756,329 90	$2,885,125 75	$304,791 67	.....	$7,318,538 40	$17,566,606 77
Chicago, Burlington & Quincy	.....	3,630,842 66	2,524,771 24	539,710 72	3,460 00	2,239,796 00	$174,048 75	2,046,059 46	11,158,688 83
Chicago, Rock Island & Pacific	$3,520,000 00	4,408,475 38	1,901,650 53	512 22	754,561 32	1,904,647 50	1,443,973 47	.....	13,933,820 42
Kansas Southwestern	98,000 00	13,476 17	3,226 90	7,113 95	.....	.....	5,135 79	.....	126,952 81
Kansas City Belt	205,000 00	14,652 31	22,146 92	3,725 49	.....	75,450 00	18,300 00	.....	339,274 72
Kansas City, Fort Scott & Memphis	.....	.....	.....	.....	.....	.....	.....	.....	1,191,924 73
Kansas City Southern	80,000 00	330,400 48	242,780 57	.....	210,000 00	144,578 00	849,205 48	454,471 71	2,311,436 24
Kansas City, Mexico & Orient	828,463 00	272,613 87	76,053 66	14,794 20	.....	.....	.....	.....	.....
Leavenworth & Topeka	.....	32,487 39	2,483 01	680 37	.....	.....	.....	.....	35,650 77
Leavenworth Ter. Rly. and Bridge	29,960 42	.....	.....	.....	.....	.....	.....	19,771 99	49,732 41
Leavenworth Depot and Rld. Co	.....	66 87	549 66	.....	.....	.....	.....	4,074 48	4,691 01
Missouri, Kansas & Texas	.....	2,217,354 16	724,043 47	90,813 92	.....	417,697 50	.....	.....	3,449,909 05
Missouri Pacific	1,580,066 56	2,783,820 24	1,985,558 34	40,399 49	.....	126,435 00	1,778,677 20	8,716,704 59	17,011,661 42
Central Branch	.....	.....	.....	.....	.....	3,660 00	30,321 84	307,257 50	341,239 34
Rooks County Railroad	.....	.....	.....	.....	.....	371,250 90	.....	.....	371,250 00
Kansas City & Southwestern	.....	.....	.....	.....	.....	709,500 00	.....	.....	709,500 00
Kansas & Colorado Pacific	.....	.....	.....	.....	.....	675,110 00	1,929,500 00	.....	2,604,610 00
St. Joseph & Grand Island	.....	101,313 88	48,084 55	56,407 62	.....	81,190 00	50,312 00	662,883 49	1,000,091 54
St. Louis & San Francisco	11,895,035 90	5,281,987 64	.....	.....	.....	2,430,910 70	362,257 79	.....	19,970,192 03
Union Pacific	27,739,645 90	1,065,270 69	1,208,156 53	.....	11,804,677 00	3,534,170 00	979,090 24	105,145,829 96	151,476,840 32
Totals	$45,976,171 78	$24,314,249 43	$10,879,788 74	$1,510,487 88	$15,657,824 07	$13,019,186 87	$7,620,822 56	$124,675,541 58	$243,654,072 41

TABLE No. 6. Expenditures for Road, Equipment and General Expenses, Entire Line.

Roads.	Expenditures for new lines or extensions during year.		Expenditures for additions and betterments during year.		Total cost to June 30, 1907.	Total cost to June 30, 1908.
	Charged to capital.	Charged to special funds or income.	Charged to capital.	Charged to special fund or income.		
Atchison, Topeka & Santa Fe	$366,849 25		$22,491,397 45	$340,331 53	$493,853,782 53	$516,712,029 23
Chicago, Burlington & Quincy	7,269,227 25		6,281,387 98	3,186,414 61	345,281,500 00	358,832,115 23
Chicago, Rock Island & Pacific			3,560,170 10	10,199 54	186,186,644 33	189,746,814 43
Kansas Southwestern				886 67	362,000 00	362,900 00
Kansas City Belt			291,667 81		2,951,295 04	3,242,962 85
Kansas City, Fort Scott & Memphis					[1]	
Kansas City Southern	13,740,249 43[2]				86,744,946 45	73,004,697 02
Kansas City, Mexico & Orient	6,768,608 60		13,335 40		22,962,542 48	29,744,486 48
Leavenworth & Topeka					152,227 73	152,227 73
Leavenworth Terminal Railway and Bridge						
Leavenworth Depot and Railroad Company					309,705 39	309,705 39
Missouri Kansas & Texas			3,062,195 97	546,444 35	189,737,057 90	192,799,253 87
Missouri Pacific	4,108 24		893,482 90		66,533,586 53	67,431,177 67
Central Branch				31,537 97	13,544,000 00	13,544,000 00
Rooks County Railroad					775,000 00	775,000 00
Kansas City & Southwestern					826,000 00	826,000 00
Kansas & Colorado Pacific					49,030,100 00	49,030,100 00
St. Joseph & Grand Island	97,012 80		82,531 85		17,863,898 74	18,043,443 39
St. Louis & San Francisco					[1]	
Union Pacific			12,164,847 84		239,831,936 98	252,046,784 82
Totals	$765,556 71		$48,841,007 31		$1,716,996,224 10	$1,766,602,788 11

1. Handled by several construction companies and data not obtainable.
2. Credit to capital account on account of adjustment of cost of road.

TABLE No. 6 — *Concluded.* Expenditures for Road, Equipment and General Expenses, Entire Line.

Roads.	Total cost to June 30, 1908.				Cost of road per mile.	Cost of equipment per mile.	General expenditures per mile.	Total per mile.
	Road.	Equipment.	General expenses.	Total.				
Atchison, Topeka & Santa Fe	$471,364,640 24	$45,239,219 10	$108,169 89	$516,712,029 23	$46,514 33	$4,398 20	$10 50	$50,918 03
Chicago, Burlington & Quincy	...	...	...	358,832,115 23	...	...	...	43,316 08
Chicago, Rock Island & Pacific	...	...	...	189,746,814 43	...	...	...	36,402 76
Kansas Southwestern	...	...	...	362,000 00	...	...	...	6,099 41
Kansas City Belt	2,683,368 47	149,997 47	409,586 91	3,242,952 85	267,801 24	14,969 81	40,876 94	$323,647 99
Kansas City, Fort Scott & Memphis	...	...	...	...	...	...	...	[1]
Kansas City Southern	67,207,339 22	5,797,357 80	...	73,004,697 02	173,554 74	14,970 97	...	188,525 71
Kansas City, Mexico & Orient	26,964,850 02	2,775,890 42	3,746 04	29,744,486 48	55,278 49	5,690 63	7 68	60,976 80
Leavenworth & Topeka	149,727 73	2,500 00	...	152,227 73	[2]3,408 59	...	...	3,408 59
Leavenworth Terminal Railway and Bridge	...	...	...	...	...	...	...	...
Leavenworth Depot and Railroad Company	309,705 39	...	...	309,705 39	...	...	...	...
Missouri, Kansas & Texas	...	...	...	192,799,253 87	...	...	...	69,649 89
Missouri Pacific	...	...	...	67,431,177 67	...	...	...	59,441 62
Central Branch	...	...	...	13,544,000 00	...	...	...	34,890 13
Rooks County Railroad	...	...	...	775,000 00	42,465 75	...	...	42,465 75
Kansas City & Southwestern	...	...	...	826,000 00	30,592 57	...	...	30,592 57
Kansas & Colorado Pacific	...	...	...	49,030,100 00	...	...	...	33,825 29
St. Joseph & Grand Island	17,420,701 09	622,742 30	...	18,043,443 39	67,561 38	2,415 13	...	69,976 51
St. Louis & San Francisco	...	...	...	...	...	...	...	[1]
Union Pacific	233,827,929 19	18,218,855 63	...	252,046,784 82	71,531 29	5,573 41	...	77,104 70
Totals	$819,928,261 35	$72,806,562 72	$521,502 84	$1,766,602,788 11	...	...	...	...

1. Handled by several construction companies and data not obtainable.
2. Includes equipment.

TABLE No. 7. Railway Stocks Owned, Entire Line.

ROADS.	Stock of respondent corporation—par value.		Stocks of railroad corporations forming part of operating system—par value.		Stocks of railroad corporations not forming part of operating system—par value.		Stocks of other corporations—par value.		Total valuation of stocks owned.
	Unpledged.	Pledged.	Unpledged.	Pledged.	Unpledged.	Pledged.	Unpledged.	Pledged.	
Atchison, Topeka & Santa Fe	$70,300	.....	$36,975,000	$10,829,500	$19,653,900	$4,848,000	$30,511,020	$82,391,722	$70,300 00
Chicago, Burlington & Quincy	.....	.....	.....	.....	26,424,149	.....	182,884,163	.....	10,426,151 15
Chicago, Rock Island & Pacific	812	.....	3,833,200	15,827,500	3,780,530	684,700	101,900	50,600	27,247,958 12
Kansas Southwestern	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City, Fort Scott & Memphis	.....	.....	.....	9,855,600	.....	90,000	.....	.....	.....
Kansas City Southern	43,600	.....	.....	430,000	105,300	730,500	.....	.....	778,954 46
Kansas City, Mexico & Orient	4,800	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	27,043	.....	3,600	.....	.....	.....	.....	.....	4,072 67
Missouri Pacific	410,015	$35,000,000[1]	24,804,240	.....	47,889,273	.....	13,087,700	.....	60,796,775 90
Central Branch	.....	.....	.....	.....	9,000	.....	.....	.....	1,000 00
Kansas & Colorado Pacific	.....	.....	7,000,000	.....	.....	.....	.....	.....	1 00
St. Joseph & Grand Island	.....	1,500	.....	.....	1,000	150,000	.....	.....	1,502 00
St. Louis & San Francisco	6,737	.....	19,200	60,598,200	1,017,500	16,627,800	323,000	15,435,600	28,160,690 81
Union Pacific	27,200	.....	64,736,600	.....	1,280,000	.....	80,045,085	.....	.....
Totals	$590,507	$35,001,500	$137,371,840	$97,540,800	$100,140,652	$23,131,000	$306,952,868	$97,877,922	$127,487,396 11

1. This amount represents par value of all stocks of respondent corporation, pledged.

TABLE No. 8. Funded Debt Owned, Entire Line.

Roads.	Funded debt of respondent corporation—par value.		Funded debt of railroad corporations forming part of operating system—par value.		Funded debt of railroad corporations not forming part of operating system—par value.		Funded debt of other corporations—par value.		Total valuation of funded debt owned.
	Unpledged.	Pledged.	Unpledged.	Pledged.	Unpledged.	Pledged.	Unpledged	Pledged.	
Atchison, Topeka & Santa Fe	$3,306,930	.....	$45,533,296	$23,490,000	$3,216,000	$8,563,000	$8,894,619	$62,125,320	$3,331,930
Chicago, Burlington & Quincy	.....	.....	294,800	31,000	3,195,000	.....	5,038,310	37,290,200	1,505,523
Chicago, Rock Island & Pacific	3,747,000	$4,944,000	.....	9,000,000	17,447,337	11,732,000	.....	.....	38,298,625
Kansas Southwestern	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City, Fort Scott & Memphis	.....	.....	.....	399,500	.....	.....	.....	.....	.....
Kansas City Southern	6,000,000	.....	.....	12,214,000	.....	650,000	.....	.....	21,367,500
Kansas City, Mexico & Orient	.....	3,571,000	.....	945,000	.....	.....	.....	.....	7,488,000
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas and Texas	6,221,540	.....	744	.....	220,000	.....	6,442,284	.....	6,349,850
Missouri Pacific	1,689,000	.....	9,964,000	11,026,000	89,500	500,000	31,015,217	.....	48,084,226
Central Branch	.....	.....	.....	.....	.....	.....	1,589,000	.....	1
St. Joseph & Grand Island	.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Louis & San Francisco	479,701	34,157,000	138,966	42,640,280	.....	8,683,622	.....	10,513,000	19,847,029
Union Pacific	1,238,000	.....	.....	.....	78,997,000	.....	.....	5,137,850	.....
Totals	$22,632,171	$42,672,000	$55,931,806	$99,745,730	$103,164,337	$30,128,622	$52,979,430	$115,066,370	$146,267,684

TABLE No. 9. Operating Expenses, Entire Line. Maintenance of way and structures.

Roads.	Superintendence.		Ballast.		Ties.		Rails.		Other track material.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$687,296 52	1 43	$117,324 53	0.24	$1,968,628 02	4.13	$207,370 56	1.46	$634,122 53	1.32
Chicago, Burlington & Quincy	628,856 71	1.14	336,185 93	0.61	2,396,327 43	4.33	1,208,041 67	2.18	1,169,313 43	2.12
Chicago, Rock Island & Pacific	493,425 52	1.24	39,036 10	0.10	1,148,544 51	2.90	133,702 66	0.34	241,508 61	0.61
Kansas Southwestern	1,569 80	2.16	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	2,425 70	0.72	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	78,993 14	1.87	208 27	0.01	180,221 26	3.13	19,000 00	0.33	39,735 40	0.69
Kansas City, Mexico & Orient	4,656 97	0.73	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	883 55	1.49	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Rly. and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Co	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	109,114 19	0.66	47,848 02	0.29	524,494 73	3.19	45,456 86	0.28	119,603 79	0.73
Missouri Pacific	268,863 66	1.71	37,509 01	0.24	457,491 48	2.92	142,362 36	0.91	201,887 01	1.29
Central Branch	22,986 37	2.36	1,906 65	0.20	76,554 35	7.90	2,166 68	0.22	8,309 16	0.86
St. Joseph & Grand Island	7,771 16	0.83	2,073 47	0.22	41,384 67	4.42	9,261 20	0.99	1,379 87	0.15
St. Louis & San Francisco	325,895 38	1.39	24,341 18	0.10	701,859 71	3.00	70,926 47	0.30	208,666 06	0.89
Union Pacific	325,130 20	1.30	35,084 25	0.14	1,065,863 61	4.24	218,310 18	0.87	421,947 90	1.68
Totals	$2,957,868 87	.....	$641,517 41	.....	$8,580,369 77	.....	$2,551,598 64	.....	$3,046,473 76	.....

TABLE No. 9 *Continued.* **Operating Expenses, Entire Line. Maintenance of way and structures.**

Roads.	Roadway and track.		Removal snow, sand and ice.		Tunnels.		Bridges, trestles and culverts.		Over and under grade crossings.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$3,954,768 91	8.22	$22,483 40	0.05	$156,325 10	0.32	$906,138 28	1.88	$9,390 24	0.02
Chicago, Burlington & Quincy	5,362,517 88	9.70	61,543 30	0.11	351 92	.....	1,053,349 55	1.95	39,991 36	0.07
Chicago, Rock Island & Pacific	3,071,293 43	7.74	42,463 98	0.11	15 18	.....	799,690 52	2.01	18,997 49	0.05
Kansas Southwestern	[1]36,669 56	50.48	.....	.....	.....	.....	[2]1,627 78	2.24	.....	.....
Kansas City Belt	[1]57,644 83	17.15	.....	.....	.....	.....	[2]6,542 96	1.95	.....	.....
Kansas City Southern	355,682 56	6.18	.....	.....	.....	.....	87,439 51	1.52	258 20	0.01
Kansas City, Mexico & Orient	[1]125,077 56	19.61	.....	.....	.....	.....	[2]13,908 17	2.17	.....	.....
Leavenworth & Topeka	[1]21,330 77	35.82	.....	.....	.....	.....	[2]4,988 18	8.29	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	81 72	1.06	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	1,254,351 06	7.63	1,733 18	0.01	.....	.....	408,208 76	2.48	2,377 92	0.01
Missouri Pacific	1,319,653 94	8.42	7,805 69	0.05	124 45	.....	218,960 78	1.40	2,959 08	0.02
Central Branch	97,050 44	10.01	3,289 26	0.34	.....	.....	13,136 90	1.35	629 00	.....
St. Joseph & Grand Island	69,350 31	7.39	465 14	0.05	.....	.....	7,713 78	0.82	20 75	.....
St. Louis & San Francisco	1,922,438 16	8 21	4,598 43	0.02	95	.....	592,202 20	2.53	1,531 49	0.01
Union Pacific	2,153,307 52	8.58	27,219 76	0.11	18,070 54	0.07	258,998 41	1.08	57,061 63	0.23
Totals	$19,801,219 65	.....	$171,647 14	.....	$174,888 14	.....	$4,372,845 78	.....	$132,594 40	.....

1. Includes ballast, ties, rails, other track material and removal of snow, sand and ice.
2. Includes tunnels, over and under grade crossings, grade crossings, fences, cattle-guards and signs, snow and sand fences and snow-sheds, signals and interlocking plants, telegraph and telephone lines and electric power transmission.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Maintenance of way and structures.

Roads.	Buildings, fixtures and grounds.		Grade crossings, fences, cattle-guards and signs.		Snow and sand fences and snow-sheds.		Signals and interlocking plants.		Telegraph and telephone lines.	
	Amount.	Per cent of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$1,300,227 39	2.70	$149,577 48	0.31	$2,214 28	0.01	$146,933 97	0.31	$80,921 94	0.17
Chicago, Burlington & Quincy	1,008,419 39	1.82	269,411 00	0.49	9,297 96	0.02	111,346 07	0.20	132,127 37	0.24
Chicago, Rock Island & Pacific	672,588 27	1.70	119,974 63	0.30	8,321 94	0.02	81,043 05	0.20	81,364 71	0.21
Kansas Southwestern	961 77	1.32	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	5,425 64	1.61	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	74,442 37	1.29	9,644 47	0.17	.....	.....	1,235 94	0.02	7,062 90	0.12
Kansas City, Mexico & Orient	5,544 33	0.87	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	280 25	0.47	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	786 11	10.20	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	192,983 62	1.17	47,687 06	0.29	.....	.....	7,396 01	0.05	27,245 26	0 17
Missouri Pacific	165,730 01	1.06	57,676 16	0.37	253 10	.....	33,063 01	0.21	28,254 28	0.18
Central Branch	13,183 06	1.36	5,055 03	0 52	5 58	.....	993 34	0.10	2,365 18	0.24
St. Joseph & Grand Island	8,234 73	0.88	4,117 54	0.44	49 15	0.01	379 26	0.04	769 91	0.08
St. Louis & San Francisco	285,266 53	1.22	80,331 24	0.34	.....	.....	22,367 65	0.10	50,249 09	0.22
Union Pacific	719,026 08	2.86	51,411 03	0.20	9,086 10	0.04	143,377 23	0.57	29,908 90	0.12
Totals	$4,453,099 55	.....	$794,885 64	.....	$29,228 11	.....	$548,135 53	.....	$440,269 54	.....

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Maintenance of way and structures.

Roads.	Roadway tools and supplies.		Work equipment.						Injuries to persons.		Stationery and printing.	
			Repairs.		Renewals.		Depreciation.					
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$123,135 12	0.26	$124,731 66	0.26	$1,729 07	.....	$15,976 72	0.03	$36,879 66	0.08	$13,749 84	0.03
Chicago, Burlington & Quincy	114,291 95	0.21	236,457 70	0.43	65,871 51	0.12	101,951 41	0.18	43,597 36	0.08	18,151 80	0.03
Chicago, Rock Island & Pacific	78,203 64	0.20	108,010 53	0.27	802 35	.....	4,724 79	0.01	72,987 98	0.18	13,883 36	0.04
Kansas Southwestern	.....	.....	4 01	.....	.....	.....	18 00	0.02	.....	.....	.....	.....
Kansas City Belt	.....	.....	1,059 20	0.32	.....	.....	244 89	0.07	670 90	0.20	.....	.....
Kansas City Southern	16,649 20	0.29	24,104 54	0.42	.....	.....	.....	.....	5,636 42	0.10	2,441 87	0.04
Kansas City, Mexico & Orient	.....	.....	748 78	0.12	.....	.....	2,654 94	0.42	802 85	0.13	.....	.....
Leavenworth & Topeka	.....	.....	197 45	0.33	.....	.....	.....	.....	1 00	.....	.....	.....
Leavenworth Term. Rly. and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Rld. Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Kansas & Texas	45,706 47	0.28	22,907 68	0.14	9,709 29	0.06	29,102 77	0.18	28,107 18	0.18	2,357 68	0.01
Missouri Pacific	41,337 39	0.26	36,003 66	0.23	1,947 05	0.01	3,132 87	0.02	29,749 68	0.19	8,429 71	0.05
Central Branch	1,756 48	0.18	749 39	0.08	.....	.....	52 20	0.01	1,025 63	0.11	810 98	0.08
St. Joseph & Grand Island	1,234 11	0.13	2,001 74	0.21	.....	.....	.....	.....	793 10	0.18	369 26	0.04
St. Louis & San Francisco	52,416 44	0.22	100,610 76	0.43	4,408 80	0.02	3,159 31	0.01	21,013 44	0.09	18,444 20	0.08
Union Pacific	94,562 33	0.38	111,270 70	0.44	4,780 01	0.02	.....	.....	17,064 71	0.07	15,393 67	0.06
Totals	$569,293 13	.....	$768,857 80	.....	$89,248 08	.....	$161,017 90	.....	$258,329 91	.....	$94,081 87	.....

TABLE No. 9 — *Continued.* Operating Expenses, Entire Line. Maintenance of way and structures.

Roads.	Insurance.		Other expenses.		Maintenance joint tracks and yards.				Total maintenance of way and structures.	
					Debit.		Credit.			
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount	Per cent. of total	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$76,867 90	0.16	$57,413 08	0.12	$108,021 98	0.23	$119,392 74	0.25	$11,297,835 44	23.49
Chicago, Burlington & Quincy	84,294 78	0.15	26,152 68	0.05	278,885 72	0.50	357,807 19	0.64	14,397,928 69	26.05
Chicago, Rock Island & Pacific	119,184 24	0.30	25,550 16	0.07	523,414 31	1.32	148,361 04	0.38	7,750,370 92	19.54
Kansas Southwestern	120 89	0.17	125 06	0.17	411 24	0.57	3,255 20	4.48	38,252 91	52.65
Kansas City Belt	150 80	0.05	[1]979 97	.....	1,458 15	0 43	41,197 50	12.26	35,405 54	10.53
Kansas City Southern	4,114 54	0.07	1,631 48	0.03	18,255 62	0.32	9,090 17	0.16	917,667 02	15.95
Kansas City, Mexico & Orient	429 94	0.06	[1]4,282 22	0.68	3,802 53	0.60	.....	.....	161,903 29	25.39
Leavenworth & Topeka	104 94	0.18	[1]69 21	0.12	912 00	1.53	909 66	1.53	27,807 69	46.70
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	867 83	11.26	.....	.....
Missouri, Kansas & Texas	20,778 81	0.18	390 23	.....	267,979 94	1.63	106,083 12	0.65	3,109,503 39	18.92
Missouri Pacific	13,412 40	0.08	2,806 95	0.02	86,575 31	0.55	35,262 10	0.22	3,130,726 89	19.97
Central Branch	1,268 76	0.13	262 64	0.04	313 25	0.03	69 11	0.01	253,178 51	26.11
St. Joseph & Grand Island	807 21	0.09	.....	.....	37,940 72	4.05	4,982 22	0.53	191,134 86	20.39
St. Louis & San Francisco	37,893 77	0.16	3,640 67	0.02	38,284 72	0.16	111,089 09	0.47	4,459,452 56	19,05
Union Pacific	22,370 03	0.09	1,887 97	.....	45,185 29	0.18	270,974 72	1.08	5,575,343 33	22.20
Totals	$381,799 01	.....	$125,192 82	.....	$1,411,440 78	.....	$1,209,341 69	.....	$51,846,511 04	.....

1. Includes maintenance of roadway tools and supplies and stationery and printing.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Maintenance of equipment.

Roads.	Superintendence.		Steam locomotives.					
			Repairs.		Renewals.		Depreciation.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$344,925 51	0.72	$4,723,546 42	9.82	.....	.....	$626,233 98	1.30
Chicago, Burlington & Quincy	378,226 08	0.68	3,299,804 80	5.98	$88,161 88	0.16	1,171,012 75	2.11
Chicago, Rock Island & Pacific	305,531 94	0.77	2,938,379 50	7.41	.....	.....	34,503 64	0.09
Kansas Southwestern	1,269 00	1.73	1,157 14	1.59	.....	.....	.....	.....
Kansas City Belt	3,000 66	0.89	18,928 23	5.63	.....	.....	.....	.....
Kansas City Southern	52,466 74	0.91	487,290 37	8.47	.....	.....	.....	.....
Kansas City, Mexico & Orient	7,131 13	1.12	41,299 67	6.48	.....	.....	.....	.....
Leavenworth & Topeka	181 66	0.30	1,968 56	3.23	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	63,356 08	0.39	1,201,625 32	7.31	.....	.....	130,247 79	0.79
Missouri Pacific	90,686 48	0.58	1,069,780 23	6.82	2,408 73	0.01	42,359 04	0.27
Central Branch	6,488 75	0.67	71,745 02	7.40	156 32	0.02	2,843 54	0.29
St. Joseph & Grand Island	6,232 06	0.67	46,413 97	4.95	.....	.....	.....	.....
St. Louis & San Francisco	157,556 76	0.67	1,897,265 42	8.10	.....	.....	23,405 65	0 10
Union Pacific	212,438 03	0.85	2,115,498 76	8.43	53,038 98	0.21	.....	.....
Totals	$1,629,481 88	.....	$17,914,713 41	.....	$143,760 86	.....	$2,030,606 34	.....

TABLE No. 9 — *Continued.* Operating Expenses, Entire Line. Maintenance of equipment.

Roads.	Passenger-train cars.						Freight-train cars.					
	Repairs.		Renewals.		Depreciation.		Repairs.		Renewals.		Depreciation.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe.	$847,272 98	1.76	$4,809 61	0.01	$138,544 71	0.29	$3,440,985 05	7.15	$201,622 24	0.42	$918,234 93	1.91
Chicago, Burlington & Quincy.	613,679 84	1.11	47,754 68	0.09	503,085 08	0.91	3,083,171 36	5.57	503,326 64	0.91	2,073,190 34	3.74
Chicago, Rock Island & Pacific.	615,756 34	0.55	7,646 23	0.02	13,398 01	0.04	2,620,501 12	6.61	38,875 50	0.10	54,494 83	0.14
Kansas Southwestern.	.....	.....	.....	.....	.....	.....	[1]755 90	1.04	.....	.....	[3]202 50	0.28
Kansas City Belt.	.....	.....	.....	.....	.....	.....	[1]13,796 74	4 10	.....	.....	[3]4,426 26	1.32
Kansas City Southern.	66,079 00	1.15	.....	.....	.....	.....	532,581 42	9.26	876 73	0.01	.....	.....
Kansas City, Mexico & Orient.	.....	.....	.....	.....	.....	.....	[1]48,560 68	7.62	[2]1,818 92	0.39	[3]103,764 32	16.27
Leavenworth & Topeka.	.....	.....	.....	.....	.....	.....	[1]1,719 63	2.89	[2]236 96	0.40	[3]286 48	0.48
Leavenworth Term. Rly & Br.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot & Rld. Co.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas.	177,264 54	1.08	10,738 25	0.06	44,420 11	0.27	731,243 87	4.45	19,966 81	0.12	410,246 31	2.50
Missouri Pacific.	170,519 36	1.09	403 12	.....	20,010 74	0.13	952,169 79	6.07	34,454 44	0.22	58,320 44	0.37
Central Branch.	12,615 81	1 30	29 71	.....	1,430 91	0.15	61,011 86	6 29	2,756 86	0.28	3,525 19	0.36
St. Joseph & Grand Island.	11,287 62	1.20	.....	.....	.....	.....	65,288 38	6.97	4,575 21	0.49	.....	.....
St. Louis & San Francisco.	353,366 06	1.51	7,267 81	0.03	6,505 27	0.03	1,557,332 24	6.65	47,381 00	0.20	53,224 54	0.23
Union Pacific.	463,368 47	1.87	6,981 96	0.03	.....	.....	1,963,323 15	7.82	113,959 02	0.45	.....	.....
Totals.	$3,336,210 02	.....	$85,631 36	.....	$727,394 83	.....	$15,072,441 19	.....	$969,850 33	.....	$3,679,916 14	.....

1. Includes repairs to passenger-cars and to electric equipment of cars.
2. Includes renewal of locomotives, passenger-train cars and electric equipment of cars.
3. Includes depreciation of locomotives, passenger-train cars and electric equipment of cars.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Maintenance of equipment.

Roads.	Shop machinery and tools.		Injuries to persons.		Stationery and printing.		Insurance.		Other expenses.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$246,662 71	0.51	$30,260 67	0.06	$41,260 64	0.08	$99,289 12	0.21	$91,528 87	0.20
Chicago, Burlington & Quincy	284,163 89	0.52	10,636 97	0.02	21,978 42	0.04	153,312 82	0.28	11,704 95	0.02
Chicago, Rock Island & Pacific	155,872 22	0.39	55,875 22	0.14	14,288 55	0.04	52,027 19	0.13	16,912 74	0.04
Kansas Southwestern	.....	.....	.....	.....	.....	.....	41 63	0.06	[1] 8 04	0.01
Kansas City Belt	.....	.....	63 10	0.13	.....	.....	422 60	0.13	4,287 84	1.28
Kansas City Southern	44,307 31	0.77	2,087 25	0.04	3,087 63	0.05	16,357 00	0.28	1,285 06	0.02
Kansas City, Mexico & Orient	.....	.....	52 00	0.01	.....	.....	3,637 64	0.57	[1] 8,246 07	1.28
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	13 80	0.02	[1] 3 86	0.01
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	99,488 40	0.61	29,687 16	0.18	3,004 35	0.02	51,739 20	0.31	44,656 94	0.27
Missouri Pacific	91,069 14	0.58	15,274 49	0.10	6,101 97	0.04	18,500 04	0.12	7,644 34	0.08
Central Branch	6,810 47	0.70	1,222 31	0.13	338 76	0.04	1,750 08	0.18	491 72	0.05
St. Joseph & Grand Island	4,539 74	0.48	787 66	0.08	336 36	0.04	1,777 58	0.18	.....	.....
St. Louis & San Francisco	99,181 07	0.42	16,809 39	0.07	12,893 24	0.06	72,068 89	0.31	130 65	.....
Union Pacific	191,794 15	0 76	20,830 62	0.08	20,326 84	0.08	67,240 84	0.27	7,494 75	0.03
Totals	$1,223,889 10	.....	$183,586 84	.....	$123,616 76	.....	$538,178 43	.....	$194,395 83	.....

1. Includes maintenance of shop machinery and tools, power-plant equipment and stationery and printing.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Maintenance of equipment.

Roads.	Maintenance joint equipment and terminals.		Equipment borrowed.		Maintenance joint equipment at terminals.		Equipment loaned.		Total maintenance and equipment.	
	Debit.		Debit.		Credit.		Credit.			
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$9,024 92	0.02	$186,348 38	1.01	$21,132 61	0.04	$360,606 97	0.75	$11,868,811 11	24.68
Chicago, Burlington & Quincy	34 434 13	0.06	703,155 97	1.27	14,627 67	0.02	597,240 80	1.07	12,368,932 08	22.38
Chicago, Rock Island & Pacific	2,809 38	0.01	854,124 60	2.13	1,211 53	.....	652,060 23	1.64	7,127,725 25	17.97
Kansas Southwestern	.....	.....	1,560 50	2.15	.....	.....	.....	.....	4,985 71	6.86
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	44,925 43	13.37
Kansas City Southern	.....	.....	158,877 09	2.76	.....	.....	164,815 41	2.86	1,200,480 19	20.86
Kansas City, Mexico & Orient	.....	.....	5,027 65	0.78	.....	.....	46,233 72	7.25	173,304 36	27.17
Leavenworth & Topeka	.....	.....	86 16	0.14	.....	.....	270 24	0.45	4,241 87	7.12
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	46,152 78	0.28	256,617 29	1.56	7,372 88	0.04	273,393 39	1.66	3,039,688 98	18.50
Missouri, Kansas & Texas	6,419 24	0.04	534,012 05	3.40	1,651 68	0.01	458,361 63	2.92	2,660,115 33	16.96
Missouri Pacific	.....	.....	33,258 17	3.43	.....	.....	18,823 61	1.94	187,651 87	19.35
Central Branch	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
St Joseph & Grand Island	4,499 60	0.48	21,884 38	2.33	.....	.....	16,291 80	1.73	151,330 76	16.14
St. Louis & San Francisco	3,541 94	0.02	719,371 51	3.07	3,125 06	0.01	669,953 48	2.86	4,354,222 90	18.60
Union Pacific	5,532 54	0.02	780,069 03	3.10	7,184 45	0.03	645,709 54	2.57	5,373,998 14	21.40
Totals	$112,414 53	.....	$4,554,392 78	.....	$56,305 88	.....	$3,903,760 82	.....	$48,560,413 98	.....

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Traffic expenses.

Roads.	Superintendence.		Outside agencies.		Advertising.		Traffic associations.		Fast freight lines.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$332,547 62	0.69	$641,831 13	1.33	$310,654 84	0.65	$27,188 16	0.06	.....	.....
Chicago, Burlington & Quincy	402,946 57	0.73	673,447 96	1.23	233,135 49	.....	50,285 82	0.09	.....	.....
Chicago, Rock Island & Pacific	314,976 30	0.80	585,734 52	1.48	269,174 78	0.68	31,317 56	0.08	.....	.....
Kansas Southwestern	.....	.....	881 65	1.21	.....	.....	.....	.....	.....	.....
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	96,485 05	1.68	108,363 10	1 80	17,503 48	0.30	4,596 30	0.08	.....	.....
Kansas City, Mexico & Orient	.....	.....	20,956 60	3.26	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	.....	.....	340 51	0.57	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	131,216 89	0.80	283,866 08	1.73	83,308 88	0.51	25,262 27	0.15	.....	.....
Missouri Pacific	118,290 25	0 76	261,883 83	1.67	48,192 07	0.31	25,327 91	0.16	.....	.....
Central Branch	8,376 43	0.87	13,902 86	1.43	3,387 31	0 85	1,470 64	0.15	.....	.....
St. Joseph & Grand Island	14,675 89	1.57	39,841 91	4.25	1,559 03	0.17	413 42	0.04	.....	.....
St. Louis & San Francisco	197,810 58	0.84	286,856 07	1.23	124,152 20	0.53	26,732 07	0.12	$105 34	.....
Union Pacific	153,775 06	0.61	436,301 25	1.74	296,244 52	1.18	22,012 87	0 09	.....	.....
Totals	$1,771,100 64	.....	$3,349,207 42	.....	$1,387,312 60	.....	$214,607 02	.....	$105 34	.....

1. Includes superintendence, advertising, traffic associations, fast freight lines, industrial and immigration bureaus, stationery and printing, and other expenses.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Traffic expenses.

Roads.	Industrial and immigration bureaus.		Stationery and printing.		Insurance.		Other expenses.		Total traffic expenses.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$41,123 21	0.09	$139,182 81	0.29	$351 17	.....	$1,408 00	.....	$1,494,281 94	3.11
Chicago, Burlington & Quincy	13,836 16	0.02	155,318 65	0.28	82 34	.....	6,441 66	0.01	1,535,494 65	2.78
Chicago, Rock Island & Pacific	47,371 67	0.12	145,772 99	0.37	1,575 14	.....	350 68	.....	1,896,273 64	3.53
Kansas Southwestern	.....	.....	.....	.....	.....	.....	.....	.....	881 65	1.21
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	3,837 56	0.07	42,740 65	0.74	24 17	.....	.....	.....	268,550 81	4.67
Kansas City, Mexico & Orient	.....	.....	.....	.....	4 60	0.01	.....	.....	20,961 20	3.29
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	.....	.....	340 51	0.57
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	20,560 17	0.12	54,102 40	0.33	.....	.....	337 92	.....	598,654 56	3.64
Missouri Pacific	7,930 42	0.05	81,474 23	0.52	231 24	.....	128 15	.....	543,458 10	3.47
Central Branch	562 32	0.06	5,695 79	0 59	21 84	.....	8 87	.....	33,426 06	3.45
St. Joseph & Grand Island	30 84	.....	6,867 47	0.73	.....	.....	.....	.....	63,388 56	6.76
St. Louis & San Francisco	26,217 35	0.11	114,908 77	0.49	146 09	.....	192 65	.....	777,111 12	3.32
Union Pacific	15,054 77	0.06	77,660 93	0.31	27 17	.....	.....	.....	1,001,076 57	3.99
Totals	$176,524 47	.....	$823,724 60	.....	$2,463 76	.....	$8,852 93	.....	$7,733,898 87	.....

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Superintendence.		Dispatching trains.		Station employees.		Weighing and car-service associations.		Stock-yards and grain-elevators.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$564,501 31	1.17	$411,764 20	0.86	$2,970,490 17	6.17	$62,267 76	0.13	$34,676 95	0.07
Chicago, Burlington & Quincy	508,096 99	0.92	470,323 39	0.85	2,618,109 78	6.54	97,359 47	0.18	.....	.....
Chicago, Rock Island & Pacific	601,136 35	1.52	279,103 46	0.70	2,497,438 22	6.39	84,646 54	0.21	.....	.....
Kansas Southwestern	[1]1,173 66	1.62	.....	.....	[2]3,577 78	4.92	.....	.....	.....	.....
Kansas City Belt	[1]17,754 25	5 28	.....	.....	[2]14,892 82	4.43	.....	.....	.....	.....
Kansas City Southern	76,854 65	1.34	35,345 44	0.61	310,610 40	5.40	14,490 04	0.25	.....	.....
Kansas City, Mexico & Orient	[1]12,761 49	2.00	.....	.....	[2]36,598 49	5.74	.....	.....	.....	.....
Leavenworth & Topeka	[1]315 40	0.53	.....	.....	[2]2,541 84	4.27	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	[2]5,738 44	74.47	.....	.....	.....	.....
Missouri, Kansas & Texas	157,363 94	0.96	124,271 48	0.76	948,804 89	5.77	16,127 63	0.10	47,392 29	0.29
Missouri Pacific	257,447 86	1.64	112,987 54	0.72	988,191 19	6.30	41,102 66	0.26	416 30	.....
Central Branch	18,183 09	1.88	4,850 92	0.50	57,198 63	5.90	1,807 90	0.19	.....	.....
St. Joseph & Grand Island	9,043 08	0.96	7,074 12	0.75	72,373 63	7.73	2,771 16	0.30	.....	.....
St. Louis & San Francisco	362,330 68	1.55	174,041 22	0.74	1,561,883 00	6.67	52,410 32	0.22	.....	.....
Union Pacific	286,122 09	2.14	124,617 79	0.50	1,423,838 02	5.67	33,258 50	0.13	.....	.....
Totals	$2,873,084 84	.....	$1,744,379 56	.....	$14,512,287 30	.....	$406,241 98	.....	$82,485 54	.....

1. Includes cost of dispatching trains.
2. Includes weighing and car service associations, coal and ore docks, and station supplies and expenses.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Station supplies and expenses.		Yardmasters and their clerks.		Yard conductors and brakemen.		Yard, switch and signal tenders.		Yard supplies and expenses.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$287,780 96	0.56	$216,247 02	0.45	$914,797 95	1.90	$33,771 56	0.08	$6,782 98	0.01
Chicago, Burlington & Quincy	209,483 87	0.38	417,055 56	0.76	1,321,142 37	2.39	97,805 07	0.18	24,283 11	0.04
Chicago, Rock Island & Pacific	174,370 80	0.44	277,408 45	0.70	897,950 41	2.26	54,463 33	0.14	16,182 70	0.04
Kansas Southwestern										
Kansas City Belt					[1]70,007 98	20.83				
Kansas City Southern	26,804 29	0.47	48,349 57	0.84	148,795 06	2.59	2,606 78	0.05	2,075 44	0.04
Kansas City, Mexico & Orient					[1]62 46	0.01				
Leavenworth & Topeka					[1]3,844 42	6.45				
Leavenworth Terminal Railway and Bridge										
Leavenworth Depot and Railroad Company										
Missouri, Kansas & Texas	63,656 69	0.39	80,149 08	0.49	370,556 73	2.26	4,817 56	0.03	5,398 75	0.03
Missouri Pacific	57,860 30	0.37	142,311 22	1.91	565,224 70	3.60	26,841 91	0.17	9,181 09	0.06
Central Branch	2,627 64	0.27	1,841 63	0.19	5,225 26	0.54	373 75	0.04	113 25	0.01
St. Joseph & Grand Island	4,533 90	0.48	938 24	0.10	1,495 60	0.16			120 00	0.01
St. Louis & San Francisco	103,764 66	0.44	204,532 18	0.87	582,274 28	2.49	14,467 17	0.06	10,163 22	0.04
Union Pacific	100,888 57	0.40	131,974 87	0.53	497,978 47	1.98	64,578 71	0.26	10,988 15	0.04
Totals	$1,011,771 68		$1,520,807 77		$5,379,350 69		$304,224 84		$85,288 64	

1. Includes yardmasters and their clerks, and yard, switch and signal tenders.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Yard enginemen.		Engine-house expenses, yard.		Fuel for yard locomotives.		Water for yard locomotives.		Lubricants for yard locomotives.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$509,511 84	1.06	$151,433 29	0.32	$454,517 73	0.94	$32,037 16	0.07	$12,333 29	0.03
Chicago, Burlington & Quincy	761,465 50	1.38	225,856 03	0.41	809,623 21	1.46	56,808 58	0.10	16,030 57	0.03
Chicago, Rock Island & Pacific	530,361 63	1.34	189,236 78	0.48	668,363 09	1.69	40,850 73	0.10	12,286 26	0.03
Kansas Southwestern										
Kansas City Belt	26,575 73	7.91	[1]13,726 01	4 08	40,251 55	11.98				
Kansas City Southern	80,650 58	1.40	32,590 14	0.57	114,835 21	2.00	9,096 00	0.16	3,006 47	0.05
Kansas City, Mexico & Orient										
Leavenworth & Topeka	1,826 66	3.07	[1]142 31	0.24	2,193 38	3.68				
Leavenworth Terminal Railway and Bridge										
Leavenworth Depot and Railroad Co.										
Missouri, Kansas & Texas	182,296 84	1.11	72,374 45	0.44	301,236 17	1.83	5,203 30	0.03	5,647 87	0.03
Missouri Pacific	278,955 80	1.78	121,717 21	0.78	271,122 31	1.73	27,249 43	0.17	6,235 51	0.04
Central Branch	4,270 97	0.44	2,782 22	0.29	7,557 77	0.78	641 41	0.07	118 10	0.01
St. Joseph & Grand Island	2,201 55	0.23	555 21	0.06	3,141 21	0.34	195 13	0.02	44 23	
St. Louis & San Francisco	330,024 59	1.41	102,957 49	0.44	269,574 28	1.15	28,155 23	0.12	9,327 55	0.04
Union Pacific	270,280 50	1.08	103,946 88	0.41	375,483 28	1.50	30,123 72	0.12	5,424 27	0.02
Totals	$2,978,421 19		$1,017,318 02		$3,317,899 14		$230,360 69		$70,454 12	

1. Includes yard supplies and expenses, engine-house expenses, water and lubricants for yard locomotives.

TABLE No. 9 – *Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Other supplies for yard locomotives.		Operating joint yards and terminals.				Road enginemen.		Engine-house expenses, road.	
			Debit.		Credit.					
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$13,048 57	0.03	$195,181 35	0.41	$161,814 82	0.34	$2,994,682 71	6.28	$924,875 74	1.92
Chicago, Burlington & Quincy	26,390 16	0.05	513,668 06	0.98	182,740 34	0.33	2,981,642 85	5.80	770,494 36	1.39
Chicago, Rock Island & Pacific	10,829 55	0.03	349,877 16	0.88	186,529 75	0.47	2,607,420 10	6.57	777,735 66	1.96
Kansas Southwestern			1,800 00	2.48			2,923 03	4.02		
Kansas City Belt			199 38	0.06	44,901 94	13.36				
Kansas City Southern	4,329 34	0.08	11,834 46	0.21	5,756 48	0.10	395,720 30	6.88	93,220 20	1.62
Kansas City, Mexico & Orient			662 23	0.10			34,456 03	5.40		
Leavenworth & Topeka			144 00	0.24			2,265 64	3.81		
Leavenworth Terminal Railway and Bridge										
Leavenworth Depot and Railroad Company					6,221 44	80.74				
Missouri, Kansas & Texas	4,488 92	0.03	465,445 17	2.88	131,829 72	0.80	1,070,492 54	6.51	381,436 45	2.32
Missouri Pacific	10,712 20	0.07	167,658 95	1.07	42,567 02	0.27	1,055,383 86	6.73	374,936 69	2.39
Central Branch	288 84	0.03	2,139 47	0.22	8 70		74,815 79	7.72	17,158 93	1.77
St. Joseph & Grand Island	57 59	0.01	59,806 18	6.38	11,178 22	1.19	64,290 95	6.86	15,029 00	1.60
St. Louis & San Francisco	7,032 85	0 03	198,498 44	0.85	144,082 20	0.62	1,801,332 21	7.70	384,870 36	1.64
Union Pacific	9,460 10	0.04	167,414 31	0.67	299,764 52	1.19	1,489,846 15	5.73	379,761 47	1.51
Totals	$86,638 12		$2,134,329 16		$1,217,396 15		$14,475,242 16		$4,119,518 86	

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	For road locomotives.								Road trainmen.	
	Fuel.		Water.		Lubricants.		Other supplies.		Amount.	Per cent. of total.
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.		
Atchison, Topeka & Santa Fe	$4,261,979 19	8.86	$532,889 98	0.111	$125,816 49	0.26	$111,846 80	0.23	$3,048,755 58	6.34
Chicago, Burlington & Quincy	5,297,578 81	9.59	279,918 18	0.051	97,426 58	0.18	133,057 34	0.24	2,806,806 19	5.07
Chicago, Rock Island & Pacific	5,115,091 98	12.90	268,565 58	0.068	98,608 98	0.25	91,305 15	0.23	2,644,141 47	6.67
Kansas Southwestern	5,625 04	7.74					[1] 2,074 64	2.86	3,459 09	4.76
Kansas City Belt										
Kansas City Southern	727,287 82	12.64	32,204 08	0.056	17,917 69	0.31	15,796 07	0.27	457,170 38	7.94
Kansas City, Mexico & Orient	83,299 08	13.06					[1] 24,691 09	3.87	36,238 15	5.69
Leavenworth & Topeka	4,785 30	8.04					[1] 1,357 58	0.23	1,681 39	2.82
Leavenworth Terminal Railway and Bridge										
Leavenworth Depot and Railroad Company										
Missouri, Kansas & Texas	1,861,921 57	11.33	109,501 94	0.067	54,332 33	0.33	45,847 83	0.28	1,220,509 84	7.43
Missouri Pacific	1,748,455 44	11.15	125,722 81	0.080	36,848 61	0.23	65,214 71	0.42	1,195,982 29	7.63
Central Branch	99,617 51	10.27	6,802 25	0.070	1,793 78	0.18	3,161 51	0.33	81,261 55	8.38
St. Joseph & Grand Island	130,425 74	13.91	7,634 34	0.081	1,929 80	0.21	2,045 53	0.22	67,598 47	7.21
St. Louis & San Francisco	2,407,544 20	10.28	173,469 98	0.074	64,459 62	0.28	61,752 64	0.26	1,930,962 91	8.25
Union Pacific	3,563,174 99	14.19	207,442 11	0.083	43,815 07	0.17	56,147 91	0.22	1,374,817 43	5.48
Totals	$25,306,786 67		$1,744,142 20		$542,448 35		$614,298 80		$14,869,329 74	

1. Includes engine-house expenses, water and lubricants for road locomotives.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Train supplies and expenses.		Operation of signals.		Crossing flagmen and gatemen.		Drawbridge operation.		Clearing wrecks.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$996,540 04	2.07	$61,463 23	0.13	$51,134 29	0.11	$8,234 69	0.02	$129,975 66	0.27
Chicago, Burlington & Quincy	1,155,111 38	2.09	53,768 24	0.10	110,373 87	0.20	11,902 44	0.02	87,865 32	0.16
Chicago, Rock Island & Pacific	925,410 96	2.33	78,243 43	0.20	97,606 28	0.25	9,375 61	0.02	124,156 23	0.31
Kansas Southwestern	1,185 54	1.63	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	92,845 66	1.61	8,882 70	0.15	3,742 85	0.06	3,439 38	0.06	17,839 26	0.31
Kansas City, Mexico & Orient	13,172 30	2.07	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	716 67	1.20	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	332,029 89	2.02	24,333 99	0.15	15,196 45	0.09	1,638 86	0.01	25,288 04	0.15
Missouri Pacific	333,136 24	2.12	28,694 17	0.18	45,652 22	0.29	.....	.....	76,533 70	0.49
Central Branch	21,446 48	2.21	1,386 83	0.14	740 05	0.08	.....	.....	2,565 42	0.26
Rooks County Railroad	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
St. Joseph & Grand Island	22,353 33	2.38	1,074 11	0.12	402 50	0.04	.....	.....	717 99	0.08
St. Louis & San Francisco	460,724 40	1.97	48,800 44	0 21	41,649 48	0.18	1,096 95	0.01	131,428 61	0.56
Union Pacific	565,255 39	2.25	128,031 77	0.52	26,068 64	0.10	.....	.....	62,722 50	0.25
Totals	$4,919,928 28	.....	$434,678 91	.....	$392,565 13	.....	$35,686 98	.....	$659,142 73	.....

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Telegraph and telephone operation.		Operating floating equipment.		Stationery and printing.		Insurance.		Other expenses.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$203,837 97	0.42	$110,839 95	0.23	$146,314 41	0.30	$57,346 42	0.12	$67,166 47	0.14
Chicago, Burlington & Quincy	299,461 48	0.54	.....	.....	170,868 64	0.31	86,425 99	0.16	24,448 35	0.04
Chicago, Rock Island & Pacific	139,384 76	0.35	10,741 04	0.03	151,801 36	0.37	45,948 08	0.12	35,259 57	0.09
Kansas Southwestern	.....	.....	.....	.....	.....	.....	78 82	0.11	[1]507 71	0.70
Kansas City Belt	.....	.....	.....	.....	.....	.....	219 60	.....	[1]15,398 74	4.58
Kansas City Southern	28,723 10	0.50	.....	.....	23,084 39	0.40	11,162 11	0.19	12,648 52	0.22
Kansas City, Mexico & Orient	.....	.....	.....	.....	.....	.....	767 63	0.12	[1]3,763 48	0.59
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	209 10	0.35	[1]1,115 23	1.87
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	[1]467 00	6.06
Missouri, Kansas & Texas	48,894 52	0.30	.....	.....	64,142 71	0.39	29,334 07	0.18	2,398 06	0.01
Missouri Pacific	109,091 01	0.70	.....	.....	64,660 73	0.41	13,875 00	0.09	3,531 97	0.02
Central Branch	6,290 18	0.65	.....	.....	4,235 08	0.44	1,312 44	0 14	196 81	0.02
St. Joseph & Grand Island	1,289 72	0.14	.....	.....	3,841 60	0.41	340 91	0.04	68 02	0.01
St. Louis & San Francisco	85,438 08	0 37	.....	.....	125,876 96	0.54	76,416 89	0.33	12,214 00	0.05
Union Pacific	89,248 81	0.36	.....	.....	113,769 15	0.45	14,750 89	0.06	12,845 60	0.05
Totals	$1,011,659 63	.....	$121,580 99	.....	$868,594 98	.....	$338,187 45	.....	$192,014 58	.....

1. Includes operation of interlocking, block and other signals, crossing flagmen and gatemen, drawbridge operation, operation of telegraph and telephone, floating equipment, express service, and stationery and printing.

TABLE No. 9 — *Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Loss and damage.				Damage to property.		Damage to stock on right of way.	
	Freight.		Baggage.					
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$1,149,412 81	2.39	$10,294 91	0.02	$68,005 66	0.14	$80,024 97	0.17
Chicago, Burlington & Quincy	1,185,227 58	2.14	10,255 46	0.02	184,545 74	0.33	69,868 68	0.13
Chicago, Rock Island & Pacific	1,249,400 30	3.15	19,235 53	0.05	131,162 18	0.33	130,104 34	0.33
Kansas Southwestern	[2]588 14	0.81						
Kansas City Belt	[1]153 81	0.05			[2]1,029 67	0.30		
Kansas City Southern	89,878 19	1.56	1,268 79	0.02	16,341 85	0.28	56,351 30	0.98
Kansas City, Mexico & Orient	[1]2,235 45	0.35			[2]6,849 87	1.07		
Leavenworth & Topeka	[1]1,430 47	2.40			[2]304 97	0.52		
Leavenworth Terminal Railway and Bridge								
Leavenworth Depot and Railroad Company								
Missouri, Kansas & Texas	418,937 89	2.55	4,849 43	0.03	71,587 23	0.44	68,772 41	0.42
Missouri Pacific	212,707 73	1.36	1,844 79	0.01	26,562 86	0.17	22,701 57	0.14
Central Branch	13,036 03	1.34	273 95	0.03	1,463 11	0.15	1,185 24	0.12
St. Joseph & Grand Island	6,642 15	0.71	15 95		1,412 19	0.15	773 26	0.08
St. Louis & San Francisco	644,401 98	2.75	23,351 00	0.10	80,485 29	0.34	135,589 40	0.58
Union Pacific	434,650 35	1.73	7,287 51	0.03	68,403 31	0.27	25,066 67	0.10
Totals	$5,408,702 38		$78,677 32		$658,153 93		$590,438 00	

1. Includes loss and damage to baggage.
2. Includes clearing wrecks and damage to stock and right of way.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. Transportation expenses.

Roads.	Injuries to persons.		Operating joint tracks.				Total transportation expenses.	
			Debit.		Credit.			
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$300,031 04	0.62	$49,179 88	0.10	$52,222 98	0.11	$22,182,246 13	46.01
Chicago, Burlington & Quincy	440,465 28	0.80	60,154 36	0.11	75,184 60	0.14	25,183,243 51	45.56
Chicago, Rock Island & Pacific	771,930 72	1.95	141,271 91	0.36	46,937 69	0.12	22,114,988 24	55.77
Kansas Southwestern					406 90	0.56	22,586 05	31.09
Kansas City Belt	4,243 60	1.26					159,545 70	73.09
Kansas City Southern	73,443 49	1.28	720 98	0.01	414 22	0.01	3,096,791 23	58.80
Kansas City, Mexico & Orient	780 33	0.12					256,328 08	40 19
Leavenworth & Topeka	262 00	0.44	144 00	0.24			25,280 36	42.45
Leavenworth Terminal Railway and Bridge								
Leavenworth Depot and Railroad Company	16 00	0.21						
Missouri, Kansas & Texas	391,730 75	2.38	92,428 94	0.56	13,788 00	0.08	9,045,188 73	55.05
Missouri Pacific	109,252 05	0.70	19,724 58	0.13	12,506 56	0.08	8,700,155 63	55.48
Central Branch	2,156 88	0.22	39 75				450,951 62	46.51
St. Joseph & Grand Island	791 39	0.08	5,955 49	0.64	3,643 26	0.39	484,156 29	51 65
St. Louis & San Francisco	294,332 54	1.26	14,669 29	0.06	37,461 48	0.16	12,330,809 71	54.80
Union Pacific	171,522 39	0.68	524 70		45,642 50	0.18	12,076,118 97	48.10
Totals	$2,561,008 46		$384,813 88		$288,208 19		$116,577,340 25	

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. General expenses.

Roads.	Salaries and expenses.				General office supplies and expenses.		Law expenses.		Insurance.	
	General officers.		Clerks and attendants.							
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$177,350 73	0.37	$601,595 47	1.25	$62,109 61	0.13	$233,554 79	0.49	$4,802 36	0.01
Chicago, Burlington & Quincy	204,357 74	0 37	1,008,737 80	1.84	54,848 89	0 10	318,998 43	0.58	1,186 37	.....
Chicago, Rock Island & Pacific	199,879 37	0.50	573,447 96	1.44	63,801 77	0.16	307,859 92	0.77	731 28	.....
Kansas Southwestern	.....	.....	[1]6,105 84	8.40	.....	.....	.....	.....	4 32	.....
Kansas City Belt	.....	.....	[1]9,786 64	2.91	.....	.....	.....	.....	.....	.....
Kansas City Southern	72,227 27	1.26	101,319 35	1.76	21,450 51	0.37	50,671 74	0.88	113 90	.....
Kansas City, Mexico & Orient	.....	.....	[1]21,420 13	3.36	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	.....	.....	[1]1,843 57	3.09	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	[1]600 00	7.78	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	118,663 52	0.72	207,307 86	1.26	39,498 10	0.24	204,006 48	1.24	.....	.....
Missouri Pacific	64,137 78	0.41	325,301 97	2.07	42,245 66	0.27	159,523 58	1.02	231 24	.....
Central Branch	3,695 72	0.38	22,863 74	2.36	2,230 73	0.23	12,876 70	1.33	21 84	.....
St. Joseph & Grand Island	13,764 46	1.47	20,875 10	2.23	3,451 90	0.37	4,296 93	0.46	.....	.....
St. Louis & San Francisco	167,394 77	0.42	439,317 71	1.88	66,812 75	0.29	190,447 84	0.81	96 02	.....
Union Pacific	140,671 33	0.56	469,183 02	1.87	54,344 66	0.22	168,530 05	0.67	196 61	.....
Totals	$1,162,142 69	.....	$3,809,736 16	.....	$410,794 58	.....	$1,650,766 46	.....	$7,383 94	.....

1. Includes salaries and expenses of general officers, general office supplies and expenses, and law expenses.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line. General expenses.

Roads.	Relief department expenses.		Pensions.		Stationery and printing.		Other expenses.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe			$15,751 44	0.03	$92,506 56	0.19	$118,844 45	0.25
Chicago, Burlington & Quincy	$79,662 72	0.14			50,752 70	0.09	51,279 93	0.09
Chicago, Rock Island & Pacific			4,382 02	0.02	66,402 97	0.17	42,579 74	0.11
Kansas Southwestern							245 67	0.34
Kansas City Belt							[1]327 52	0.10
Kansas City Southern					11,433 32	0.20	14,421 33	0.25
Kansas City, Mexico & Orient							[1]3,850 88	0.60
Leavenworth & Topeka							[1]40 02	0.07
Leavenworth Terminal Railway and Bridge								
Leavenworth Depot and Railroad Company							16 60	0.22
Missouri, Kansas & Texas					24,980 95	0.15	37,210 66	0.23
Missouri Pacific					37,005 59	0.24	14,684 01	0.09
Central Branch					2,154 40	0.22	498 96	0.05
St. Joseph & Grand Island					1,907 35	0.20	2,313 42	0.25
St. Louis & San Francisco					63,506 25	0.27	75,564 56	0.32
Union Pacific			22,621 96	0.09	94,520 37	0.38	131,145 92	0.51
Totals	$79,662 72		$42,755 41		$445,120 46		$493,023 67	

1. Includes relief department expenses, pensions and stationery and printing.

TABLE No. 9—*Continued.* Operating Expenses, Entire Line.
General expenses.

Roads.	Joint tracks, yards and terminals.				Total general expenses.	
	Debit.		Credit.			
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$2,984 32	.001	$2,045 12	.....	$1,307,454 61	.272
Chicago, Burlington & Quincy	15,910 98	.008	2,926 96	.001	1,782,808 55	.323
Chicago, Rock Island & Pacific	6,729 19	.002	33 75	.....	1,265,810 47	.319
Kansas Southwestern	.....	.....	406 90	.....	5,948 98	.319
Kansas City Belt	.....	.....	.....	.....	10,114 16	.301
Kansas City, Ft. S. & M.	.....	.....	.....	.....	.....	.....
Kansas City Southern	194 70	.....	.....	.....	271,882 12	.472
Kansas City, Mexico & Orient	.....	.....	.....	.....	25,271 01	.396
Leavenworth & Topeka	.....	.....	.....	.....	1,883 59	.316
Leavenworth Term. Rly. and Br.	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Rld. Co.	.....	.....	616 60	.800	.....	.....
Missouri, Kansas & Texas	7,454 50	.005	.....	.....	639,072 07	.389
Missouri Pacific	4,880 43	.008	1,463 91	.001	646,546 35	.412
Central Branch	47 42	.001	.....	.....	44,389 51	.458
St. Joseph & Grand Island	768 02	.008	.....	.....	47,377 18	.506
St. Louis & San Francisco	2,913 18	.001	15,753 26	.007	990,299 82	.423
Union Pacific	2,065 72	.001	469 60	.....	1,082,810 23	.431
Totals	$43,948 41	.....	$23,715 90	.....	$8,121,618 60	.....

TABLE No. 9 —*Continued.* Operating Expenses, Entire Line. Recapitulation.

Roads.	Maintenance of way and structures.		Maintenance of equipment.		Traffic expenses.		Transportation expenses.	
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.	Amount.	Per cent. of total.
Atchison, Topeka & Santa Fe	$11,297,835 44	23.49	$11,868,811 11	24.67	$1,494,281 94	03.11	$22,132,246 13	46.01
Chicago, Burlington & Quincy	14,397,928 69	26.05	12,368,932 08	22 38	1,535,494 65	02.87	25,183,243 51	45 56
Chicago, Rock Island & Pacific	7,750,370 92	19.54	7,127,725 25	17.97	1,398,273 64	03.53	22,114,988 24	55.77
Kansas Southwestern	38,252 91	52.65	4,985 71	06.86	881 65	01.21	22,586 05	31.09
Kansas City Belt	35,405 54	10.53	44,925 43	13.37			159,545 70	73.09
Kansas City Southern	917,667 02	15.95	1,200,480 19	20.86	268,550 31	04.67	3,095,791 23	53.80
Kansas City, Mexico & Orient	161,903 29	25 39	173,304 36	27.17	20,961 20	03.29	256,328 08	40 19
Leavenworth & Topeka	27,807 69	46.70	4,241 87	07.12	340 51	00.57	25,280 36	42.45
Leavenworth Terminal Railway and Bridge								
Leavenworth Depot and Railroad Company	987 83	11.26					6,221 44	80.74
Missouri, Kansas & Texas	3,109,503 39	18.92	3,039,688 98	18.50	598,654 56	03 64	9,045,188 73	55.05
Missouri Pacific	3,130,726 89	19.97	2,660,115 33	16.96	543,458 10	03.47	8,700,155 62	55.48
Central Branch	253,178 51	26.11	187,651 87	19.35	33,426 06	03.45	450,961 62	46.51
St. Joseph & Grand Island	191,134 86	20.39	151,330 76	16.14	63,388 56	06.76	484,156 29	51.65
St. Louis & San Francisco	4,459,452 56	19.05	4,354,222 90	18.60	777,111 12	03.32	12,880,809 71	54.80
Union Pacific	5,575,343 33	22.20	5,373,998 14	21.40	1,001,0.6 57	03.99	12,076,118 97	48.10
Totals	$51,347,378 87		$48,560,413 98		$7,733,898 87		$116,583,561 69	

TABLE No. 9—*Concluded.* Operating Expenses, Entire Line. Recapitulation.

Roads.	General expenses.		Total operating expenses.		Per cent. of expenses to revenue.
	Amount.	Per cent. of total.	Amount.	Per cent. of total.	
Atchison, Topeka & Santa Fe	$1,307,454 61	2.72	$48,100,629 23	100	68.65
Chicago, Burlington & Quincy	1,722,808 55	3.23	55,268,407 48	100	71.09
Chicago, Rock Island & Pacific	1,265,810 47	3.19	39,655,118 52	100	61.10
Kansas Southwestern	5,948 93	8.19	72,655 25	100	121.56
Kansas City Belt	10,114 16	3.01	249,990 83	100	87.10
Kansas City Southern	271,882 12	4 72	5,754,320 87	100	65.70
Kansas City, Mexico & Orient	25,271 01	3.96	637,767 94	100	.....
Leavenworth & Topeka	1,883 59	3.16	59,554 02	100	106.38
Leavenworth Term. Rly. and Bridge	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Co.	616 60	8.00	7,706 87	100	326.86
Missouri, Kansas & Texas	639,072 07	3.89	16,432,107 73	100	70.57
Missouri Pacific	646,546 35	4.12	15,681,002 30	100	74.86
Central Branch	44,389 51	4.58	969,597 57	100	64.69
St. Joseph & Grand Island	47,377 18	5.06	937,387 65	100	58.50
St. Louis & San Francisco	990,299 82	4.23	23,411,896 11	100	69 05
Union Pacific	1,082,810 23	4.32	25,109,347 24	100	56.99
Totals	$8,122,235 20	.....	$232,347,488 61	.....	.....

TABLE No. 10. Outside Operations, Entire Line. Gross revenues.

Roads.	Dining and special car service.	Stock-yards.	Hotels and restaurants.	Miscella-neous.	Total gross revenue.	Operating expenses.	Net revenue.	Net deficit.
Atchison, Topeka & Santa Fe								
Chicago, Burlington & Quincy	$483,352 58	$55,324 50	$5,016 06		$543,693 14	$528,498 22	$15,194 92	
Chicago, Rock Island & Pacific	396,118 09				396,118 09	488,613 21		$92,495 12
Kansas Southwestern								
Kansas City Belt								
Kansas City Southern								
Kansas City, Mexico & Orient								
Leavenworth & Topeka								
Leavenworth Terminal Railway and Bridge								
Leavenworth Depot and Railroad Company								
Missouri, Kansas & Texas			486,950 50		486,950 50	486,641 96	308 54	
Missouri Pacific	174,380 24				174,380 24	190,817 89		16,437 65
Central Branch								
St. Joseph & Grand Island								
St. Louis & San Francisco						32,078 81		32,078 81
Union Pacific	447,040 02		352,061 60	$80,059 23	879,160 85	775,442 13	103,718 72	
Totals	$1,500,890 93	$55,324 50	$844,028 16	$80,059 23	$2,490,302 82	$2,502,092 22		$21,789 40

TABLE No. 11. Income Account, Entire Line. Operating income.

Roads.	Rail operations.				Outside operations.	
	Revenue.	Expense.	Net revenue.	Net deficit.	Revenue.	Expenses.
Atchison, Topeka & Santa Fe	$75,574,381 94	$48,100,629 23	$27,473,752 71			
Chicago, Burlington & Quincy	77,748,161 52	55,268,407 48	22,479,754 04		$543,693 14	$528,498 22
Chicago, Rock Island & Pacific	54,604,116 01	39,655,118 52	14,948,997 49		896,118 09	488,613 21
Kansas Southwestern	59,768 16	72,655 25		$12,887 09		
Kansas City Belt	287,029 33	249,990 83	37,038 50			
Kansas City Southern	8,758,928 70	5,754,320 87	3,004,607 83			
Kansas City, Mexico & Orient	472,476 19	637,767 94		165,291 75		
Leavenworth & Topeka	55,979 87	59,554 02		3,574 15		
Leavenworth Terminal Railway and Bridge						
Leavenworth Depot and Railroad Company		7,706 87		7,706 87		
Missouri, Kansas & Texas	23,283,669 85	16,432,107 73	6,851,562 12		486,950 50	486,641 96
Missouri Pacific	20,946,611 13	16,681,002 30	5,265,608 83		174,380 24	190,817 89
Central Branch	1,498,798 07	969,597 57	529,200 50			
St. Joseph & Grand Island	1,602,311 33	937,387 65	664,923 68			
St. Louis & San Francisco	33,905,028 64	23,411,896 11	10,493,132 53			32,078 81
Union Pacific	44,059,030 28	25,109,347 24	18,949,683 04		879,160 85	775,442 12
Totals	$342,856,261 02	$232,347,488 61	$110,508,802 41		$2,480,302 82	$2,502,092 21

TABLE No. 11—*Continued.* Income Account, Entire Line. Operating income.

Roads.	Outside operations.		Total net revenue.	Total net deficit.	Taxes accrued.	Operating income.	Operating deficit.
	Net revenue.	Net deficit.					
Atchison, Topeka & Santa Fe			$27,473,752 71		$2,789,919 15	$24,683,833 56	
Chicago, Burlington & Quincy	$15,194 92		22,494,948 96		2,455,988 13	20,038,960 83	
Chicago, Rock Island & Pacific		$92,495 12	14,856,502 37		1,693,047 54	13,163,454 83	
Kansas Southwestern				$12,887 09	8,661 61		$21,548 70
Kansas City Belt			37,088 50		69,718 84		32,630 34
Kansas City, Fort Scott & Memphis					247,455 70		247,455 70
Kansas City Southern			3,004,607 88		283,138 48	2,721,469 35	
Kansas City, Mexico & Orient				165,291 75	34,467 48		199,759 23
Leavenworth & Topeka				3,574 15	7,721 09		11,295 24
Leavenworth Terminal Railway and Bridge							
Leavenworth Depot and Railroad Company				7,705 87	2,126 93		9,832 80
Missouri, Kansas & Texas	808 54		6,851,870 66		688,243 21	6,163,627 45	
Missouri Pacific		16,437 65	5,249,171 18		895,544 65	4,343,626 53	
Central Branch			529,200 50		112,648 67	416,551 83	
St. Joseph & Grand Island			664,923 68		80,987 12	583,936 56	
St. Louis & San Francisco		32,078 81	10,461,058 72		548,531 64	9,912,522 08	
Union Pacific	108,718 73		19,053,401 77		1,410,872 19	17,642,529 58	
Totals		$21,789 89	$110,487,013 02		$11,329,072 43	$99,157,940 59	

TABLE No. 11—*Continued.* Income Account, Entire Line. Other income.

ROADS.	Rents accrued from lease of road.	Other rents—credits.			Separately operated properties—profit.	Dividends on stocks owned.
		Hire of equipment—balance.	Joint facilities.	Miscellaneous rents.		
Atchison, Topeka & Santa Fe	$212,015 66	.....	$27,708 84	$92,370 88	$874,977 47	$44,290 41
Chicago, Burlington & Quincy	1,859 30	.....	533,619 57	128,925 10	.....	6,570 67
Chicago, Rock Island & Pacific	.....	.....	192,189 74	63,486 44	.....	130,757 27
Kansas Southwestern	.....	.....	5,967 91	.....	.....	.....
Kansas City Belt	.....	$1,807 00	156,463 23	4,353 29	.....	.....
Kansas City, Fort Scott & Memphis	8,086,079 30	.....	.....	.....	.....	.....
Kansas City Southern	400 01	.....	34,078 24	382 70	.....	.....
Kansas City, Mexico & Orient	.....	101,964 05	.....	.....	.....	.....
Leavenworth & Topeka	.....	825 25	1,762 78	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	9,832 80	.....	.....	15,000 00	.....	.....
Missouri, Kansas & Texas	.....	1,878 94	59,280 94	.....	.....	.....
Missouri Pacific	20,000 00	.....	94,266 63	10,405 71	.....	2,751,798 73
Central Branch	.....	.....	7,332 04	.....	.....	.....
St. Joseph & Grand Island	.....	.....	42,818 99	.....	.....	.....
St. Louis & San Francisco	.....	.....	161,097 07	457,160 08	.....	1,094,502 40
Union Pacific	21,834 43	.....	534,791 40	21,887 30	.....	32,978,039 50
Totals	$3,302,021 50	$106,465 24	$1,851,427 88	$793,471 45	$874,977 47	$37,005,953 98

TABLE No. 11—*Continued.* Income Account, Entire Line. Other income.

Roads.	Interest on funded debt.	Interest on other securities.	Miscellaneous income.	Total other income.	Gross corporate— Income.	Gross corporate— Loss.
Atchison, Topeka & Santa Fe	$305,567 45	$592,291 06	$124,391 16	$2,273,612 93	$26,967,446 49	.....
Chicago, Burlington & Quincy	103,202 00	561,964 99	.....	1,426,141 63	21,465,102 46	.....
Chicago, Rock Island & Pacific	1,287,711 15	262,588 31	78,552 22	1,965,285 13	15,128,739 96	.....
Kansas Southwestern	.....	.....	.....	5,967 91	.....	$15,580 79
Kansas City Belt	.....	47 00	45 10	162,715 62	130,035 28	.....
Kansas City, Fort Scott & Memphis	.....	.....	.....	3,086,079 30	2,788,623 60	.....
Kansas City Southern	32,502 00	.....	66,235 51	133,598 46	2,855,067 81	.....
Kansas City, Mexico & Orient	.....	.....	.....	101,954 05	.....	97,805 18
Leavenworth & Topeka	.....	.....	.....	2,588 03	.....	8,707 21
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	1,059 13	25,891 98	16,059 13	.....
Missouri, Kansas & Texas	244,592 76	.....	75,861 90	381,114 54	6,544,741 99	.....
Missouri Pacific	87,235 00	.....	665,026 94	3,578,728 01	7,932,354 54	.....
Central Branch	.....	.....	460 16	7,842 20	424,394 08	.....
St. Joseph & Grand Island	.....	16,607 84	.....	59,426 83	643,363 39	.....
St. Louis & San Francisco	596,594 65	.....	211,464 80	2,520,818 95	12,433,341 03	.....
Union Pacific	3,495,792 47	4,432,754 50	61,869 04	41,546,468 64	59,188,998 22	.....
Totals	$6,053,197 48	$5,956,253 70	$1,284,465 96	$57,228,234 16	$156,396,174 75	.....

TABLE No. 11—*Continued.* Income Account, Entire Line. Deductions from gross corporate income.

Roads.	Rents accrued for lease of other roads.	Other rents—debit.			Separately operated properties—loss.	Interest on funded debt.
		Hire of equipment.	Joint facilities.	Miscellaneous rents.		
Atchison, Topeka & Santa Fe	$218,133 00	$61,017 65	$367,658 16	$53,219 27	.....	$12,229,155 37
Chicago, Burlington & Quincy	16,958 66	356,292 35	745,467 49	21,588 21	.....	7,126,009 33
Chicago, Rock Island & Pacific	1,109,096 22	689,886 97	1,167,660 83	7,301 00	.....	7,526,778 49
Kansas Southwestern	.....	4,044 67	.....	.....	.....	.....
Kansas City Belt	.....	.....	.....	5,563 28	.....	150,000 00
Kansas City, Fort Scott & Memphis	.....	.....	.....	.....	.....	2,080,078 83
Kansas City Southern	.....	918 47	12,085 22	496 50	.....	1,225,052 78
Kansas City, Mexico & Orient	.....	.....	9,750 21	.....	$40,023 08	62,027 31
Leavenworth & Topeka	.....	.....	1,753 59	.....	.....	10,000 00
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	7,500 00
Missouri, Kansas & Texas	10,477 00	.....	494,196 50	2,732 18	.....	4,688,141 78
Missouri Pacific	91,300 00	388,665 07	122,259 35	11,715 44	.....	4,191,554 18
Central Branch	.....	54,447 64	.....	.....	.....	238,360 00
St. Joseph & Grand Island	.....	14,700 29	122,770 99	25 00	.....	165,749 96
St. Louis & San Francisco	3,875,933 21	187,970 32	98,388 79	45,227 25	.....	5,822,949 48
Union Pacific	.....	937,544 54	44,317 85	.....	.....	6,610,864 39
Totals	$5,321,898 09	$2,645,487 97	$3,181,308 48	$147,868 18	$40,023 08	$52,084,221 90

TABLE No. 11—*Continued.* Income Account, Entire Line. Deductions from gross corporate income.

Roads.	Other interest.	Sinking fund chargeable to income.	Other deductions.	Total deductions.	Net corporate income.	Net corporate loss.
Atchison, Topeka & Santa Fe	$113,389 51	.....	$235,967 36	$13,278,560 32	$13,678,886 17	.....
Chicago, Burlington & Quincy	516,696 78	$676,011 46	.....	9,459,024 28	12,006,078 18	.....
Chicago, Rock Island & Pacific	145,470 50	.....	.....	10,596,194 01	4,532,545 95	.....
Kansas Southwestern	4,531 84	.....	.....	8,576 51	.....	$24,157 30
Kansas City Belt	7,304 06	.....	.....	162,867 34	.....	32,832 06
Kansas City, Fort Scott & Memphis	.....	16,990 00	201,154 77	2,248,223 60	540,400 00	.....
Kansas City Southern	.....	.....	3,243 00	1,241,795 97	1,613,271 84	.....
Kansas City, Mexico & Orient	1,137 74	.....	.....	112,988 34	.....	210,743 52
Leavenworth & Topeka	750 00	.....	.....	12,508 59	.....	21,210 80
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	7,500 00	8,559 18	.....
Missouri, Kansas & Texas	.....	13,920 00	.....	5,209,467 46	1,335,274 53	.....
Missouri Pacific	289,631 46	.....	90,157 56	5,185,283 06	2,747,071 43	.....
Central Branch	.....	.....	.....	292,977 64	131,586 39	.....
St. Joseph & Grand Island	.....	.....	3,653 62	306,899 86	336,463 53	.....
St. Louis & San Francisco	585,239 38	.....	1,094,482 00	11,705,190 43	728,150 60	.....
Union Pacific	2,753,960 87	.....	202,675 01	10,549,362 16	48,639,636 06	.....
Totals	$4,418,112 14	$706,921 46	$1,831,353 32	$70,377,194 57	$86,008,980 18	.....

TABLE No. 11—*Concluded.* Income Account, Entire Line. Disposition of corporate income.

Roads.	Dividends declared.		Additions and betterments charged to income.	Appropriations to reserve.	Miscellaneous.	Balance for year carried forward—credit.	Balance for year carried forward—debit.
	Preferred stock.	Common stock.					
Atchison, Topeka & Santa Fe	$5,708,690 00	$5,662,607 50	$340,331 53	$81,378 07	.....	$1,885,879 07	.....
Chicago, Burlington & Quincy	.....	8,867,128 00	3,186,414 61	.....	.....	.....	$47,464 43
Chicago, Rock Island & Pacific	.....	3,929,785 00	10,199 54	.....	.....	592,561 41	.....
Kansas Southwestern	.....	.....	886 67	.....	.....	.....	25,043 97
Kansas City Belt	.....	.....	.....	.....	.....	.....	32,832 06
Kansas City, Fort Scott & Memphis	540,400 00	.....	.....	.....	.....	.....	.....
Kansas City Southern	840,000 00	.....	.....	.....	.....	773,271 84	.....
Kansas City, Mexico & Orient	.....	.....	.....	.....	.....	.....	210,743 52
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	21,210 80
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	[1]$7,500 00	1,059 18	.....
Missouri, Kansas & Texas	.....	520,000 00	546,444 35	.....	.....	268,830 18	.....
Missouri Pacific	.....	1,935,210 00	.....	.....	.....	811,861 48	.....
Central Branch	.....	.....	31,537 97	.....	.....	100,048 42	.....
St. Joseph & Grand Island	.....	.....	.....	.....	.....	336,463 53	.....
St. Louis & San Francisco	199,742 12	.....	.....	.....	.....	528,408 48	.....
Union Pacific	3,981,764 00	19,548,790 00	.....	.....	.....	25,109,082 06	.....
Totals	$11,270,596 12	$40,463,520 50	$4,115,814 67	$81,378 07	$7,500 00	$30,407,465 60	$337,294 78

TABLE No. 12 Traffic and Mileage Statistics, Entire Line. Passenger traffic.

Roads.	Passengers carried.				Passenger revenue.			Passenger service train revenue.		
	Number earning revenue.	One mile.	One mile per mile of road.	Average distance.	Total.	Average from each passenger.	Average passenger per mile.	Total.	Per mile of road.	Per train mile.
						dols.	*cts.*			*dols.*
Atchison, Topeka & Santa Fe	8,927,874	867,414,919	122,160	97.16	$17,946,659 10	2.01018	2.069	$22,748,886 07	$3,203 77	1.49667
Chicago, Burlington & Quincy	18,846,193	1,007,291,339	112,205	53.45	18,637,278 96	.98891	1.850	23,443,983 28	2,611 48	1.41418
Chicago, Rock Island & Pacific	16,652,607	838,437,245	113,540	50.35	15,729,714 45	.94458	1.876	18,679,562 79	2,529 56	1.16627
Kansas Southwestern	28,932	580,560	9,580	20.07	12,797 27	.44232	2.204	18,164 61	299 75	.35726
Kansas City Belt										
Kansas City Southern	1,557,058	56,851,140	68,740	36.51	1,302,737 53	.83667	2.291	1,619,586 59	1,958 17	1.12360
Kansas City, Mexico & Orient	107,328	4,003,672	17,353	37.30	91,553 63	.85303	2.287	112,072 32	485 75	.67605
Leavenworth & Topeka	35,249	786,250	12,228	19.47	14,595 66	.41404	2.127	17,943 83	319 74	.51019
Leavenworth Terminal Rly. and Bridge										
Leavenworth Depot and Railroad Company										
Missouri, Kansas & Texas	5,104,291	310,529,908	101,084	60.84	6,343,934 91	1.24286	2.043	7,544,973 22	2,456 05	1.33367
Missouri Pacific	4,896,885	219,580,724	62,887	44.85	4,061,261 25	.82963	1.850	5,234,491 73	1,499 13	.90507
Central Branch	444,137	14,536,250	37,446	32.73	307,866 45	.69318	2.410	409,999 37	1,056 18	.87784
St. Joseph & Grand Island	541,142	14,470,290	46,347	26.74	325,374 75	.60127	2.249	398,969 98	1,277 89	.87039
St. Louis & San Francisco	8,020,417	398,235,894	84,253	49.65	8,518,016 80	1.06204	2.139	10,642,861 14	2,251 68	1.17778
Union Pacific	3,651,710	460,876,710	149,448	126.20	8,949,432 89	2.45075	1.942	11,825,615 83	3,834 69	1.49300
Totals	68,812,823	4,198,494,901			$82,241,223 65			$102,696,960 74		

TABLE No. 12—*Continued.* Traffic and Mileage Statistics, Entire Line. Freight traffic.

Roads.	Number of tons carried.				Freight revenue.				
	Number earning revenue.	One mile.	One mile per mile of road.	Average distance hauled.	Total.	Average received for each ton.	Aver. per ton per mile.	Revenue per mile of road.	Revenue per train mile.
						dols.	*cts.*		*dols.*
Atchison, Topeka & Santa Fe	13,957,290	5,434,966,245	765,417	389.40	$51,375,455 38	3.68090	.945	$7,235 31	2.94501
Chicago, Burlington & Quincy	24,679,301	6,604,633,506	735,708	267.62	52,568,751 78	2.13008	.796	5,855 77	3.05847
Chicago, Rock Island & Pacific	15,504,031	3,776,885,668	511,454	243.60	35,190,831 57	2.26979	.932	4,765 50	2.38066
Kansas Southwestern	37,807	1,041,169	17,181	27.54	40,499 67	1.07122	3.890	668 81	1.07046
Kansas City Belt									
Kansas City Southern	2,968,145	927,699,200	1,121,710	312.55	6,692,308 01	2.25471	.721	8,091 80	2.30178
Kansas City, Mexico & Orient	189,612	16,372,523	70,963	86.35	356,155 88	1.87834	2.175	1,543 67	2.64231
Leavenworth & Topeka	22,272	660,390	11,767	29.65	25,216 25	1.13220	3.818	449 33	.71696
Leavenworth Terminal Railway and Bridge									
Leavenworth Depot and Railroad Company									
Missouri, Kansas & Texas	6,442,630	1,524,135,814	496,138	236.57	15,400,006 20	2.39033	1.010	5,013 02	2.21319
Missouri Pacific	9,599,134	1,744,188,613	499,527	181.70	14,838,594 31	1.54583	.851	4,249 70	2.06643
Central Branch	595,977	73,944,254	190,485	124.07	1,075,200 35	1.80410	.840	2,769 78	1.89514
St. Joseph & Grand Island	679.727	92,286,033	295.590	135.77	1,170.535 11	1.72207	1.268	3,749 19	2.89767
St. Louis & San Francisco	13,709,425	2,367,875,385	500,964	172.72	22,605,239 95	1.64888	.955	4,782 52	2.05903
Union Pacific	8,303,659	3,292,853,696	1,067,774	396.55	31,664,925 44	3.81337	96.163	10,267 98	3.98858
Totals	96,689,010	25,857,492,501			$233,003,719 90				

TABLE No. 12—*Continued.* Traffic and Mileage Statistics, Entire Line. Total traffic.

ROADS.	Operating revenues.			Operating expenses.			Net operating revenue.		Net operating deficit.	
	Total.	Per mile of road.	Per train mile.	Total.	Per mile of road.	Per train mile.	Total.	Per mile of road.	Total.	Per mile of road.
			dols.			*dols.*				
Atchison, Topeka & Santa Fe	$75,574,381 94	$10,643 29	2.45594	$48,100,629 23	$6,774 11	1.56313	$27,473,752 71	$3,869 18	.....	.....
Chicago, Burlington & Quincy	77,748,161 52	8,660 58	2.38674	55,268,407 48	6,156 50	1.69665	22,479,754 04	2,504 08	.....	.....
Chicago, Rock Island & Pacific	54,604,116 01	7,394 42	1.80963	39,655,118 52	5,370 05	1.31420	14,948,997 49	2,024 37	.....	.....
Kansas Southwestern	59,768 16	986 27	1.17552	72,655 25	1,198 93	1.42898	.....	.....	$12,887,09	$212 66
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	8,758,928 70	10,590 70	2.00753	5,754,320 87	6,957 73	1.31888	3,004,607 83	3,632 97	.....	.....
Kansas City, Mexico & Orient	472,476 19	2,047 83	1.57394	637,767 94	2,764 25	2.12458	.....	.....	165,291 75	716 42
Leavenworth & Topeka	55,979 87	997 50	1.59165	59,554 02	1,061 19	1.69827	.....	.....	3,574 15	63 69
Leavenworth Terminal Rly. and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Co.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	23,283,669 85	7,579 32	1.85969	16,432,107 73	5,348 99	1.31238	6,851,562 12	2,230 33	.....	.....
Missouri Pacific	20,946,611 13	5,999 00	1.67243	15,681,002 30	4,490 96	1.25201	5,265,608 83	1,508 04	.....	.....
Central Branch	1,496,798 07	3,860 99	1.52467	969,597 74	2,497 74	.98634	529,200 33	1,363 25	.....	.....
St. Joseph & Grand Island	1,602,311 33	5,132 16	1.86623	937,387 65	3,002 43	1.09179	664,923 68	2,129 73	.....	.....
St. Louis & San Francisco	33,905,028 64	7,173 18	1.72666	23,411,896 11	4,953 18	1.19228	10,493,132 53	2,220 00	.....	.....
Union Pacific	44,059,030 28	14,287 02	2.92840	25,109,347 24	8,142 21	1.66890	18,949,683 04	6,144 81	.....	.....
Totals	$342,569,261 69	.....	.....	$232,089,792 08	.....	.....	$110,479,469 61	.....	.....	.....

TABLE No. 12—*Continued.* Traffic and Mileage Statistics, Entire Line. Locomotive mileage.

Roads.	Revenue service mileage.						Total non-revenue service mileage.
	Freight.	Passenger.	Mixed.	Special.	Switching.	Total.	
Atchison, Topeka & Santa Fe	17,932,666	13,966,296	1,899,191	81,040	5,669,019	39,548,212	1,445,548
Chicago, Burlington & Quincy	17,742,510	15,700,139	1,219,351	23,913	8,226,070	42,911,983	1,997,810
Chicago, Rock Island & Pacific	14,817,644	15,647,776	657,831	30,026	5,733,977	36,887,254	927,737
Kansas Southwestern	.....	13,010	37,834	.....	.....	50,844	198
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	3,133,208	1,429,557	13,892	28,160	916,288	5,521,105	184,398
Kansas City, Mexico & Orient	134,411	165,775	.....	.....	.....	300,186	9,701
Leavenworth & Topeka	.....	.....	35,235	....	21,838	57,073	3,032
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	7,161,624	5,576,081	178,587	733	2,382,667	15,299,692	603,055
Missouri Pacific	6,946,750	5,465,325	476,677	7,144	3,258,331	16,154,727	305,169
Central Branch	524,676	420,221	51,681	516	90,191	1,087,255	14,950
St. Joseph & Grand Island	399,882	454,305	4,074	319	37,284	895,864	27,653
St. Louis & San Francisco	10,944,337	8,818,323	404,847	24,485	3,663,879	23,855,871	792,355
Union Pacific	7,831,470	7,414,406	842,227	13,032	2,657,379	18,758,514	839,308
Totals	87,569,178	75,071,214	5,821,427	209,368	32,657,393	201,328,580	7,150,909

TABLE No. 12—*Continued*. Traffic and Mileage Statistics, Entire Line. Revenue car mileage.

Roads.	Freight-cars.				Passenger-cars.			
	Loaded.	Empty.	Caboose.	Total.	Passenger.	Sleeping, parlor and observation.	Other passenger-train cars.	Total.
Atchison, Topeka & Santa Fe	346,527,961	120,401,561	15,989,919	482,919,441	33,731,231	28,379,330	31,726,985	93,837,496
Chicago, Burlington & Quincy	376,598,520	157,460,380	15,845,242	549,899,142	40,579,655	20,823,444	30,439,559	91,842,658
Chicago, Rock Island & Pacific	248,841,483	104,494,777	14,131,877	367,468,137	33,760,676	19,367,056	22,272,051	80,399,783
Kansas Southwestern	93,726	31,795	.....	125,521	13,962	.....	76,131	90,093
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	45,697,570	18,234,698	2,868,051	66,800,319	3,828,510	1,540,798	1,994,771	7,364,074
Kansas City, Mexico & Orient	1,896,854	655,317	134,328	2,186,499	327,503	.....	170,491	497,994
Leavenworth & Topeka	89,090	28,863	.....	117,953	72,072	.....	.....	72,072
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	103,428,716	54,113,050	6,797,590	164,339,356	14,209,311	7,549,240	8,349,449	30,108,000
Missouri Pacific	104,186,835	44,559,064	6,798,491	155,539,390	12,080,994	4,617,098	8,702,479	25,400,571
Central Branch	6,018,020	2,888,008	515,969	9,421,997	926,755	158,006	727,088	1,811,849
St. Joseph & Grand Island	5,996,613	2,246,220	401,178	8,644,011	973,847	224,739	527,179	1,725,765
St. Louis & San Francisco	138,447,994	67,458,339	10,510,175	216,416,508	21,969,870	6,613,186	12,886,758	41,469,814
Union Pacific	190,321,561	68,243,498	7,118,023	265,683,082	15,175,563	16,584,884	17,472,349	49,232,796
Totals	1,567,639,943	640,815,570	81,105,843	2,289,561,356	182,649,949	105,857,776	135,345,240	423,852,965

TABLE No. 12—*Continued.* Traffic and Mileage Statistics, Entire Line. Revenue car mileage.

Roads.	Special cars.							Total revenue car mileage.	Non-revenue car mileage—car miles.
	Freight.		Caboose.	Passenger.	Sleeping, parlor and ob-s'rv't'on.	Other passenger-train cars.	Total.		
	Loaded.	Empty.							
Atchison, Topeka & Santa Fe	323,282	3,684	22,236	78,334	318,224	145,227	890,987	577,647,924	14,694,401
Chicago, Burlington & Quincy	219,571	38	15,732	55,502	10,780	6,274	307,888	642,049,688	11,896,626
Chicago, Rock Island & Pacific	163,024	61,092	14,985	41,453	57,918	17,858	356,330	448,224,250	8,817,537
Kansas Southwestern								215,614	502
Kansas City Belt									
Kansas City Southern	160,180	22,698	21,392	8,473	5,523	441	218,702	74,383,095	1,436,518
Kansas City, Mexico & Orient								2,684,493	59,843
Leavenworth & Topeka								190,025	16,531
Leavenworth Terminal Railway and Bridge									
Leavenworth Depot and Railroad Company									
Missouri, Kansas & Texas	1,202	4	184	3,670	5,320	2,837	13,217	194,460,573	2,616,814
Missouri Pacific	2,040		204	20,727	14,192	14,886	52,049	180,992,010	3,022,170
Central Branch				1,036	1,890	1,173	4,099	11,237,945	92,931
St. Joseph & Grand Island	2,907		153	154		217	3,431	10,373,207	95,061
St. Louis & San Francisco	245,180	3,401	20,210	48,145	1,452	674	319,062	258,205,384	5,332,208
Union Pacific	152,204		9,952	5,530	25,644	241	193,571	315,109,449	4,319,892
Totals	1,269,590	90,912	105,039	263,024	440,943	189,828	2,359,336	2,715,773,657	52,401,034

TABLE No. 12—*Continued.* Traffic and Mileage Statistics, Entire Line. Revenue train mileage.

Roads.	Revenue train service.					Non-revenue train service.
	Freight.	Passenger.	Mixed.	Special.	Total train miles.	
Atchison, Topeka & Santa Fe	15,502,780	13,247,481	1,942,124	79,702	30,772,087	1,395,121
Chicago, Burlington & Quincy	15,975,838	15,365,651	1,212,110	21,387	32,574,986	1,409,529
Chicago, Rock Island & Pacific	14,127,784	15,862,259	654,180	30,026	30,174,249	927,737
Kansas Southwestern	.....	13,010	37,834	.....	50,844	198
Kansas City Belt	.....	.....	.....	.....	.....	.....
Kansas City Southern	2,898,554	1,427,442	13,892	28,160	4,368,048	115,443
Kansas City, Mexico & Orient	134,411	165,775	.....	.....	300,186	9,701
Leavenworth & Topeka	.....	.....	35,171	.....	35,171	2,692
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	6,861,202	5,560,241	97,068	2,339	12,530,850	400,334
Missouri Pacific	6,740,901	5,301,968	474,611	7,144	12,524,629	284,280
Central Branch	515,969	415,315	51,376	366	983,026	12,737
St. Joseph & Grand Island	399,882	454,305	4,074	319	858,580	12,251
St. Louis & San Francisco	10,575,710	8,633,458	202,908	24,147	19,636,218	519,771
Union Pacific	7,115,235	7,096,928	823,759	9,529	15,045,446	520,354
Totals	80,843,266	73,048,778	5,749,107	203,119	159,839,270	5,610,148

TABLE No. 12 — *Concluded.* Traffic and Mileage Statistics, Entire Line. Miscellaneous.

Roads.	Average Number.								Average mileage operated during year.
	Passenger-cars per train mile.	Tons of freight per loaded car mile.	Tons of freight per train mile.	Freight-cars per train mile.	Loaded cars per train mile.	Empty cars per train mile.	Passengers per car mile.	Passengers per train mile.	
Atchison, Topeka & Santa Fe	6.18	15.68	311.55	27.68	19.86	6.90	9	57	7,100.66
Chicago, Burlington & Quincy	5.54	17.54	384.26	31.99	21.91	9.16	11	61	8,977.25
Chicago, Rock Island & Pacific	5.02	15.18	255.50	24.86	16.83	7.07	10	52	7,384.50
Kansas Southwestern	1.77	11.11	27.52	3.32	2.48	.84	6	11	60.60
Kansas City Belt									
Kansas City Southern	5.11	20.80	319.08	22.98	15.72	6.27	8	39	827.04
Kansas City, Mexico & Orient	3.00	11.72	121.81	16.27	10.39	4.88	8	24	230.72
Leavenworth & Topeka	2.05	7.41	18.78	3.35	2.53	.82	10	20	56.12
Leavenworth Terminal Railway and Bridge									
Leavenworth Depot and Railroad Company									
Missouri, Kansas & Texas	5.32	14.74	219.04	23.62	14.86	7.78	10.31	54.89	3,072.00
Missouri Pacific	4.40	16.74	241.72	21.56	14.44	7.12	8.63	37.97	3,491.68
Central Branch	3.89	12.29	130.33	16.61	10.61	5.09	8	31.12	388.19
St. Joseph & Grand Island	3.76	15.39	228.46	21.40	14.84	5.56	8	32	312.21
St. Louis & San Francisco	4.59	17.10	215.69	19.71	12.61	6.14	10	44	4,726.64
Union Pacific	6.22	17.30	414.77	33.47	23.97	8.60	9	58	3,083.85

TABLE No. 13. Description of Equipment, Entire Line.

Roads.	Locomotives in service.									Cars in passenger service.		
	Passenger	Freight	Switching	Total in service	Number leased	Total owned	Number added during year	Number retired during year	Number June 30, 1907	First class	Second class	Combination
Atchison, Topeka & Santa Fe	547	864	140	1,551	.....	1,551	81	22	1,492	412	114	97
Chicago, Burlington & Quincy	384	962	327	1,673	.....	1,673	98	.....	1,575	632	.....	225
Chicago, Rock Island & Pacific	400	758	208	1,366	296	1,070	64	17	1,319	237	254	190
Kansas Southwestern	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Kansas City Belt	.....	.....	14	14	.....	14	.....	.....	14	.....	.....	.....
Kansas City Southern	20	153	37	210	65	145	30	.....	180	34	14	11
Kansas City, Mexico & Orient	7	34	.....	41	35	6	18	.....	23	8	5	.....
Leavenworth & Topeka	.....	1	.....	1	.....	1	.....	.....	1	.....	.....	2
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	126	319	92	537	.....	537	32	.....	505	154	63	41
Missouri Pacific	110	359	53	522	182	340	2	6	526	168	88	72
Central Branch	.....	5	5	10	.....	10	.....	.....	10	.....	9	7
St. Joseph & Grand Island	4	22	1	27	6	21	.....	.....	27	17	.....	4
St. Louis & San Francisco	208	599	129	936	42	894	90	46	902	204	108	54
Union Pacific	140	405	110	655	1	654	14	17	658	169	.....	37
Totals	1,946	4,481	1,116	7,543	627	6,916	429	108	7,232	2,035	650	742

TABLE No. 13—*Continued.* Description of Equipment, Entire Line.

Roads.	Cars in passenger service—*concluded.*					Cars in freight service.							
	Dining	Parlor	Baggage, express and postal	Others	Total	Box	Flat	Stock	Coal	Tank	Refrigerator	Others	Total
Atchison, Topeka & Santa Fe	25	8	369	2	1,027	21,973	2,753	3,437	9,064	1,620	.....	3,494	42,341
Chicago, Burlington & Quincy	28	7	226	42	1,160	24,953	2,558	7,301	14,550	2	1,543	111	51,018
Chicago, Rock Island & Pacific	32	2	149	35	899	23,293	2,064	4,929	6,196	.....	1,664	.....	38,146
Kansas Southwestern	.....	.....	.....	.....	2	2	.....	.....	.....	.....	.....	.....	2
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	.....	.....	19	5	83	3,626	645	391	2,088	197	.....	201	7,148
Kansas City, Mexico & Orient	.....	.....	9	2	24	1,060	143	299	45	10	.....	97	1,654
Leavenworth & Topeka	.....	.....	.....	.....	2	1	3	.....	4	.....	.....	.....	8
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	.....	.....	105	.....	363	14,238	917	956	5,221	6	408	677	22,423
Missouri Pacific	15	.....	79	.....	422	13,201	876	1,140	8,644	.....	354	293	24,508
Central Branch	.....	.....	.....	.....	16	597	5	11	2	.....	.....	.....	615
St. Joseph & Grand Island	.....	.....	7	.....	28	739	2	188	98	.....	.....	.....	1,027
St. Louis & San Francisco	13	.....	150	.....	524	17,457	965	2,478	9,948	.....	9	65	30,922
Union Pacific	26	.....	142	28	402	9,396	652	2,264	2,299	.....	146	.....	14,757
Totals	139	17	1,255	114	4,952	130,536	11,583	23,394	58,159	1,835	4,124	4,988	234,569

TABLE No. 13—*Concluded.* Description of Equipment, Entire Line.

Roads.	Cars in company service.						Total cars in service.	Cars leased.	Total cars owned.	Number added during year.	Number retired during year.	Total, June 30, 1907.
	Officers' and pay cars.	Gravel.	Derrick.	Caboose.	Other road cars.	Total.						
Atchison, Topeka & Santa Fe	30	2,398	20	631	136	3,215	46,583		46,583	6,572	1,052	46,588
Chicago, Burlington & Quincy	31	500	33	620	3,219	4,403	56,581		56,581	5,862	188	50,907
Chicago, Rock Island & Pacific	29	1,744	26	629	684	3,112	42,157	17,687	24,470	3,497	4,023	42,683
Kansas Southwestern					2	2	6		6		1	7
Kansas City Belt					21	21	21		21			21
Kansas City Southern	6	199	7	66	422	700	7,981	1,700	6,231	80	182	8,083
Kansas City, Mexico & Orient	1	44		17	7	69	1,747	1,741	6	658	13	1,102
Leavenworth & Topeka							10		10		1	11
Leavenworth Terminal Railway and Bridge												
Leavenworth Depot and Railroad Company												
Missouri, Kansas & Texas	6	644	6	226	67	949	23,735	795	22,940	3,948	336	20,123
Missouri Pacific	13		10	276	975	1,274	26,203	11,545	14,658	3,154	1,612	24,661
Central Branch	1			13	6	20	651		651	2	48	697
St. Joseph & Grand Island	1		2	16	26	45	1,100	304	796	14	33	1,119
St. Louis & San Francisco	12	919	16	379	1,354	2,680	34,126	1,050	33,076	5,929	2,291	30,488
Union Pacific	15	851	18	290	1,529	2,703	17,862		17,862	1,067	979	17,774
Totals	145	7,299	188	3,168	8,448	19,198	258,714	34,822	223,892	30,783	10,759	244,208

TABLE No. 14. Train Brakes and Automatic Couplers, Entire Line.

Roads.	Locomotives.								Cars.							
	Passenger.				Freight and switch.				Passenger, postal and express.				Freight.			
	Brakes.		Couplers.		Brakes.		Couplers.		Brakes.		Couplers.		Brakes.		Couplers.	
	Equipped.	Not equipped.	Equipped.	Not equipped.	Equipped.	Not equipped.	Equipped.	Not equipped.	Equipped.	Not equipped.	Equipped.	Not equipped.	Equipped.	Not equipped.	Equipped.	Not equipped.
Atchison, Topeka & Santa Fe	547	....	547	....	1,004	....	1,004	....	1,027	....	1,027	....	42,341	.....	42,341	.....
Chicago, Burlington & Quincy	369	15	369	15	1,228	61	1,228	61	1,134	26	1,134	26	47,737	3,281	47,865	3,153
Chicago, Rock Island & Pacific	400	....	400	....	966	....	966	....	899	....	899	....	35,288	2,858	38,146	.....
Kansas Southwestern	.....	....	.....	....	.....	....	.....	....	2	....	2	....	1	1	2	.....
Kansas City Belt	14	....	14	....	.....	....	.....	....	.....	....	.....	....	.....	.....	.....	.....
Kansas City Southern	20	....	20	....	190	....	190	....	83	....	83	....	7,140	8	7,148	.....
Kansas City, Mexico & Orient	7	....	7	....	34	....	46	....	24	....	24	....	1,654	.....	1,654	.....
Leavenworth & Topeka	.....	....	.....	....	1	....	.....	....	2	....	2	....	8	.....	8	.....
Leavenworth Terminal Railway and Bridge	.....	....	.....	....	.....	....	.....	....	.....	....	.....	....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	....	.....	....	.....	....	.....	....	.....	....	.....	....	.....	.....	.....	.....
Missouri, Kansas & Texas	126	....	126	....	408	3	408	3	363	....	363	....	22,073	350	22,423	.....
Missouri Pacific	110	....	110	....	412	....	412	....	422	....	422	....	23,845	663	24,508	.....
Central Branch	.....	....	.....	....	10	....	10	....	16	....	16	....	539	76	615	.....
St. Joseph & Grand Island	4	....	4	....	23	....	23	....	28	....	28	....	1,027	.....	1,027	.....
St. Louis & San Francisco	208	....	208	....	728	....	728	....	524	....	524	....	29,610	1,312	30,922	.....
Union Pacific	140	....	140	....	515	....	515	....	402	....	402	....	14,757	.....	14,757	.....
Totals	1,945	15	1,945	15	5,519	64	5,531	64	4,926	26	4,926	26	226,020	8,549	341,416	3,153

TABLE No. 15. Mileage of Each Road Operated, All Tracks, State of Kansas.

Roads.	Line represented by capital stock.							Line of proprietary companies.		
	Main line.				Branches and spurs.					
	Single track	Second track	Yard track and sidings	Total	Single track	Yard track and sidings	Total	Single track	Yard track and sidings	Total
Atchison, Topeka & Santa Fe	1,034.50	196.42	458.97	1,689.89	1,621.30	214.00	1,835.30	.....	.....	.....
Chicago, Burlington & Quincy	.....	.....	.....	.....	259.32	23.63	282.95	.....	.....	.....
Chicago, Rock Island & Pacific	841.03	.....	233.32	1,074.35	215.23	26.16	241.39	.....	.....	.....
Kansas Southwestern	59.35	.....	5.85	65.20	.....	.....	.....	.....	.....	.....
Kansas City Belt	2.37	.....	.....	2.37	1.32	11.70	13.02	.....	.....	.....
Kansas City Southern	18.38	.....	.....	18.38	.....	.....	.....	.....	.....	.....
Kansas City, Mexico & Orient	72.68	.....	10.60	83.28	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	44.66	.....	4.96	49.62	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	1.00	.....	.....	1.00	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	1.04	1.04	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	441.42	.....	133.36	574.78	.....	.....	.....	.....	.....	.....
Missouri Pacific	94.50	.....	44.22	138.72	82.85	36.82	119.67	1,630.21	246.43	1,876.64
Central Branch	298.39	.....	49.29	342.68	94.80	4.21	99.01	.....	.....	.....
St. Joseph & Grand Island	138.37	.....	40.10	178.47	.....	.....	.....	.....	.....	.....
St. Louis & San Francisco	339.77	.....	68.04	407.81	20.29	7.80	28.09	10.48	.....	10.48
Union Pacific	444.87	67.09	163.18	675.14	709.86	73.81	783.67	.....	.....	.....
Totals	3,826.29	263.51	1,212.93	5,302.73	3,004.97	398.13	3,403.10	1,640.69	246.43	1,887.12

TABLE No. 15—*Continued.* Mileage of Each Road Operated, All Tracks, State of Kansas.

Roads.	Line operated under lease.				Line operated under trackage rights.				Total mileage operated.			
	Single track	Second track	Yard track and sidings	Total	Single track	Second track	Yard track and sidings	Total	Single track	Second track	Yard track and sidings	Total
Atchison, Topeka & Santa Fe					1.75	.13	12.46	14.34	2,657.55	196.55	685.43	3,539.53
Chicago, Burlington & Quincy					.82			.82	260.14		23.63	283.77
Chicago, Rock Island & Pacific	14.73		2.15	16.88	93.28			93.28	1,164.27		261.63	1,425.90
Kansas Southwestern					1.25			1.25	60.60		5.85	66.45
Kansas City Belt									3.69		11.70	15.39
Kansas City Southern									18.38			18.38
Kansas City, Mexico & Orient									72.68		10.60	83.28
Leavenworth & Topeka					11.46			11.46	56.12		4.96	61.08
Leavenworth Term. Rly. and Bridge									1.00			1.00
Leavenworth Depot and Railroad Co.											1.04	1.04
Missouri, Kansas & Texas					49.01			49.01	490.43		133.36	623.79
Missouri Pacific	159.41		36.84	196.25	23.08			23.08	1,990.05		364.31	2,354,86
Central Branch									388.19		53.50	441.69
St. Joseph & Grand Island									138.37		40.10	178.47
St. Louis & San Francisco	259.43	23.90	155.06	438.39					629.97	23.90	230.90	884.77
Union Pacific					20.66			20.66	1,175.39	67.09	236.99	1,479.47
Totals	433.57	23.90	194.05	651.52	201.31	.13	12.46	213.90	9,106.83	287.54	2,064.00	11,458.37

TABLE No. 15—*Concluded.* Mileage of Each Road Operated, All Tracks, State of Kansas.

Roads.	New line constructed during the year.			Rails.						
				Iron.			Steel.			
	Single track.	Yard track and sidings.	Total.	Single track.	Yard track and sidings.	Total.	Single track.	Second track.	Yard track and sidings.	Total.
Atchison, Topeka & Santa Fe		24.21	24.21	8.35	94.51	102.86	2,647.45	196.42	578.46	3,422.33
Chicago, Burlington & Quincy					7.84	7.84	259.32		15.79	275.11
Chicago, Rock Island & Pacific		6.98	6.98				1,070.99		261.63	1,332.62
Kansas Southwestern		.12	.12				59.35		5.85	65.20
Kansas City Belt		1.04	1.04				3.69		11.70	15.39
Kansas City Southern							18.38			18.38
Kansas City, Mexico & Orient	4.41	1.70	6.11				72.68		10.60	83.28
Leavenworth & Topeka				9.34	2.12	11.46	35.32		2.84	38.16
Leavenworth Terminal Railway and Bridge							1.00			1.00
Leavenworth Depot and Railroad Company									1.04	1.04
Missouri, Kansas & Texas		17.66	17.66				441.42		133.36	574.78
Missouri Pacific				9.95	16.85	26.80	1,957.02		347.46	2,304.48
Central branch				1.58	45.20	46.78	386.61		8.30	394.91
St. Joseph & Grand Island	6.79	1.06	7.85				138.37		40.10	178.47
St. Louis & San Francisco							629.97	23.90	230.90	884.77
Union Pacific		25.98	25.98		22.52	22.52	1,154.73	67.09	214.47	1,436.29
Totals	11.20	78.70	89.90	29.22	189.04	218.26	8,876.30	287.41	1,862.50	11,026.21

TABLE No. 16. Mileage Owned in Kansas. Single Track.

Roads.	Line represented by capital stock.		Total mileage owned, single track.	Rails.		New line constructed during year.
	Main line.	Branches and spurs.		Iron.	Steel.	
Atchison, Topeka & Santa Fe	1,084.50	1,621.30	2,655.80	8.35	2,647.45	.....
Chicago, Burlington & Quincy	.....	259.32	259.32	.....	259.32	.....
Chicago, Rock Island & Pacific	841.03	215.23	1,056.26	.....	1,056.26	.....
Kansas Southwestern	59.35	.....	59.35	.....	59.35	.....
Kansas City Belt	2.37	1.32	3.69	.....	3.69	.....
Kansas City Southern	18.38	.....	18.38	.....	18.38	.....
Kansas City, Mexico & Orient	72.68	.....	72.68	.....	72.68	4.41
Leavenworth & Topeka	44.66	.....	44.66	9.34	35.32	.....
Leavenworth Terminal Railway and Bridge	1.00	.....	1.00	.....	1.00	.....
Leavenworth Depot and Railroad Company	1.04	.....	1.04	.....	1.04	.....
Missouri, Kansas & Texas	441.42	.....	441.42	.....	441.42	.....
Missouri Pacific	94.50	82.85	177.35	.....	177.35	.....
Central Branch	293.39	94.80	388.19	1.58	386.61	.....
Kanopolis & Kansas Central	14.16	.....	14.16	.....	14.16	.....
Le Roy & Caney Valley Air Line	51.78	.....	51.78	.....	51.78	.....
St. Joseph & Grand Island	138.37	.....	138.37	.....	138.37	6.79
St. Louis & San Francisco	339.77	20 29	360.06	.....	360.06	.....
Union Pacific	444.87	709.86	1,154.73	.....	1,154.73	.....
Totals	3,893.27	3,004.97	6,898.24	19.27	6,878.97	11.20

TABLE No. 17. Operating Revenues, State of Kansas. Revenue from transportation.

Roads.	Freight revenue.	Passenger service train revenue.				
		Passenger revenue.	Excess baggage.	Parlor and chair car revenue.	Mail.	Express.
Atchison, Topeka & Santa Fe	$15,347,857 00	$5,565,112 86	$77,425 10	$1,485 10	$522,692 04	$1,154,898 68
Chicago, Burlington & Quincy						
Chicago, Rock Island & Pacific	7,647,536 14	3,350,539 65	42,524 42	.....	354,617 86	246,286 64
Kansas Southwestern	40,499 67	12,797 27	408 43	.....	2,699 07	2,239 84
Kansas City Belt						
Kansas City Southern	148,569 24	28,920 77	294 79	.....	2,553 01	4,180 66
Kansas City, Mexico & Orient						
Leavenworth & Topeka	25,216 25	14,595 66	172 99	.....	2,275 18	900 00
Leavenworth Terminal Railway and Bridge						
Leavenworth Depot and Railroad Company						
Missouri, Kansas & Texas	2,457,840 99	1,012,492 01	11,170 68	.....	83,915 05	96,460 46
Missouri Pacific	7,398,007 15	1,679,878 10	25,965 50	181 13	212,464 19	191,785 92
Central Branch	1,075,200 35	307,866 45	7,210 68	.....	50,912 25	43,836 47
St. Joseph & Grand Island	1,170,535 11	325,374 75	8,158.57	.....	35,506 40	29,920 26
St. Louis & San Francisco	3,013,278 48	1,135,451 64	14;407 83	.....	124,957 94	143,846 78
Union Pacific						
Totals	$38,324,540 38	$13,433,029 16	$187,733 94	$1,666 23	$1,392,592 99	$1,914,355 61

TABLE No. 17 — *Continued.* Operating Revenues, State of Kansas. Revenues from transportation.

Roads.	Passenger service train revenue.			Switching revenue.	Special train service revenue.	Miscellaneous transportation revenues.	Total revenue from transportation.
	Milk.	Other revenues.	Total.				
Atchison, Topeka & Santa Fe	$960 80	$52,105 39	$7,874,679 92	$59,320 92	$24,090 32	$732 84	$22,806,681 00
Chicago, Burlington & Quincy							
Chicago, Rock Island & Pacific	18,347 52	3,615 32	4,015,981 41	17,940 36	5,888 80	750 39	11,688,047 10
Kansas Southwestern		25 00	18,164 61	108 00		624 14	59,396 42
Kansas City Belt				77,715 79			77,715 79
Kansas City Southern		3 37	35,952 60	7,092 83	193 79	175 75	191,984 21
Kansas City, Mexico & Orient							
Leavenworth & Topeka			17,943 83	11,565 00		109 00	54,834 08
Leavenworth Terminal Railway and Bridge							
Leavenworth Depot and Railroad Company							
Missouri, Kansas & Texas		139 57	1,204,177 72	17,446 56	473 91	3,039 08	3,682,978 21
Missouri Pacific		1,328 66	2,111,603 50	52,472 95	3,060 72	477 70	9,565,622 02
Central Branch		173 52	409,999 37	2,609 03		107 73	1,487,916 48
St. Joseph & Grand Island		10 00	398,969 98	3,967 22	646 50		1,574,118 81
St. Louis & San Francisco		29 25	1,418,693 39	53,227 28	4,004 10	1,175 93	4,490,879 18
Union Pacific							
Totals	$19,308 32	$57,430 08	$17,006,116 33	$303,465 94	$38,358 14	$7,192 51	$55,679,673 80

TABLE No. 17 — *Concluded.* Operating Revenue, State of Kansas. Revenue from operation other than transportation.

ROADS.	Station and train privileges.	Parcel room receipts.	Storage freight and baggage.	Car service.	Telegraph service.	Rents.	Miscellaneous.	Total revenue from operation other than transportation.	Total operating revenues.
Atchison, Topeka & Santa Fe	$19,256 67	$376 90	$18,417 95	$20,127 79	$14,447 55	$15,821 22	$17,316 13	$105,764 21	$22,912,445 21
Chicago, Burlington & Quincy	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chicago, Rock Island & Pacific	8,346 94	.....	6,636 18	12,350 95	30 42	192 10	11,678 09	39,234 68	11,727,281 78
Kansas Southwestern	.....	.....	39 74	292 00	.....	40 00	....	371 74	59,768 16
Kansas City Belt	.....	.....	.....	2,011 00	.....	.....	.....	2,011 00	79,726 79
Kansas City Southern	158 39	.....	27 24	425 24	.....	501 67	1,351 47	2,464 01	194,448 22
Kansas City, Mexico & Orient	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth & Topeka	.....	.....	40 30	1,059 50	20 49	25 00	50	1,145 79	55,979 87
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	69 60	.....	245 40	.....	.....	1,455 00	587 50	2,357 50	2,357 50
Missouri, Kansas & Texas	2,420 51	.....	2,743 80	8,614 31	.....	1,801 45	17,515 42	33,096 49	3,716,073 70
Missouri Pacific	9,313 86	.....	6,974 64	17,547 24	.....	46,008 54	17,434 30	97,278 58	9,662,900 60
Central Branch	1,474 41	.....	2,208 30	1,882 09	3,094 29	1,583 30	644 20	10,881 59	1,498,796 07
St. Joseph & Grand Island	1,164 67	.....	1,066 53	2,908 12	2,824 08	1,442 87	19,286 25	28,192 52	1,602,311 33
St. Louis & San Francisco	4,140 09	459 56	5,795 33	12,828 85	.....	2,597 99	3,341 31	29,161 13	4,519,540 31
Union Pacific	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals	$46,345 14	$836 46	$44,190 41	$80,045 09	$19,916 83	$71,469 14	$89,155 17	$351,968 24	$56,031,681 54

TABLE No. 18. Operating Expenses, State of Kansas.

Roads.	Maintenance of way and structures.	Maintenance of equipment.	Traffic expenses.	Transportation expenses.	General expenses.	Total operating expenses.	Ratio of expenses to earnings.
Atchison, Topeka & Santa Fe	$3,374,451 95	$3,198,045 86	$470,151 05	$6,219,218 26	$420,815 23	$13,682,682 35	59.72%
Chicago, Rock Island & Pacific	1,135,206 99	1,457,926 14	256,897 07	4,084,583 15	231,760 94	7,165,874 29	61.10
Kansas Southwestern	38,252 91	4,985 71	881 65	22,586 05	5,948 93	72,655 25	121.56
Kansas City Belt	6,329 58	14,975 14	.....	45,438 62	2,880 51	69,623 85	87.10
Kansas City Southern	20,372 21	26,650 66	5,961 82	68,726 56	6,084 67	127,745 92	65.70
Kansas City, Mexico & Orient	50,691 92	54,261 60	6,562 95	80,256 32	7,912 35	199,685 14	132.59
Leavenworth & Topeka	27,807 69	4,241 87	340 51	25,280 36	1,883 59	59,554 02	106.38
Leavenworth Depot and Railroad Company	867 88	.....	.....	6,221 44	616 60	7,705 87	326.86
Missouri, Kansas & Texas	496,276 74	485,133 36	95,545 27	1,443,612 12	101,995 90	2,622,563 39	70.57
Missouri Pacific	1,583,620 87	1,296,325 21	248,143 47	3,795,447 35	301,282 90	7,226,819 80	74.79
Central Branch	253,178 51	187,651 87	33,426 06	450,951 62	44,389 51	969,597 57	64 69
St. Joseph & Grand Island	191,134 86	151,330 76	63,388 56	484,156 29	47,377 18	937,387 65	58.50
St. Louis & San Francisco	594,445 08	580,417 91	103,588 91	1,710,346 93	132,006 97	3,120,805 75	69.05
Union Pacific	.....	.....	.....	.....	.....	.....	.....
Totals	$7,772,637 09	$7,463,946 09	$1,284,387 32	$18,436,825 07	$1,304,905 28	$36,262,700 85	.....

TABLE No. 19. Freight Traffic Movement, State of Kansas.

Roads.	Products of agriculture.													
	Grain.		Flour.		Other mill products.		Hay.		Tobacco.		Cotton.		Other products.	
	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%
Atchison, Topeka & Santa Fe	849,255	12.71	282,628	4.23	85,454	1.28	100,859	1.51	.....	.....	12,635	.19	506,564	7.58
Chicago, Burlington & Quincy	[1]													
Chicago, Rock Island & Pacific	513,490	15.90	87,062	2.70	35,083	1.10	26,756	.80	.....	.....	14,064	.40	268,514	8.30
Kansas Southwestern	20,349	53.82	2,520	6.66	730	1.93	74	.20	.....	.....	.....	.....	101	.27
Kansas City, Mexico & Orient	31,257	34.87	2,518	2.81	1,260	1.41	614	.68	172	.19	.....	.....	4,395	4.89
Leavenworth & Topeka	5,741	25.78	724	3.25	331	1.49	434	1.95	.....	.....	.....	.....	216	.97
Missouri, Kansas & Texas	[1]													
Missouri Pacific	1,035,853	17.74	284,363	4.87	.....	.....	[2]		.....	.....	584	.01	233,563	4.00
Central Branch	216,838	36.38	31,685	5.33	.....	.....	[2]		.....	.....	.....	.....	14,287	2.40
St. Joseph & Grand Island	209,398	30.75	15,010	2.20	6,010	.88	4,106	.60	7	.....	.....	.....	18,136	.52
St. Louis & San Francisco	93,024	5.09	37,388	2.05	18,767	1.03	28,990	1.59	1,004	.05	23,569	1.29	57,827	3.16
Union Pacific	466,896	24.21	154,938	8.03	31,792	1.65	22,468	1.17	.....	.....	26	.....	92,482	4.80
Totals	3,442,098	.....	898,836	.....	179,433	.....	184,301	.....	1,183	.....	51,478	.....	1,196,075	.....

1. Kansas statistics not given.
2. Including other products of agriculture.

TABLE No. 19—*Continued.* Freight Traffic Movement, State of Kansas.

Roads.	Products of animals.													
	Live stock.		Dressed meats.		Other packing-house products.		Poultry, game and fish.		Wool.		Hides and leather.		Other products.	
	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%
Atchison, Topeka & Santa Fe	680,284	10.19	11,619	.17	55,219	.83	34,140	.51	8,624	.13	9,907	.15	6,217	.09
Chicago, Burlington & Quincy														
Chicago, Rock Island & Pacific	278,014	8.60	13,097	.40	27,653	.90	15,299	.40	2,382	.10	6,049	.20	5,009	.10
Kansas Southwestern	886	2.21												
Kansas City, Mexico & Orient	19,978	22.28			45	.05	98	.11						
Leavenworth & Topeka	3,697	16.60									9	.04		
Missouri, Kansas & Texas														
Missouri Pacific	431,508	7.39											77,076	1.32
Central Branch	81,234	13.63											226	.04
St. Joseph & Grand Island	72,480	10.72	2,989	.43	32,008	4.71	2,839	.42	374	.04	2,748	.40	825	.12
St. Louis & San Francisco	43,575	2.33	3,510	.19	9,275	.51	2,970	.16	72	.00	698	.04	3,768	.21
Union Pacific	206,542	10.72	206	.01	2,704	.14	7,922	.41	1,137	.06	660	.03	3,543	.18
Totals	1,818,143		31,421		126,904		63,268		12,579		20,066		96,664	

TABLE No. 19—*Continued.* Freight Traffic Movement, State of Kansas.

Roads.	Products of mines.											
	Anthracite coal.		Bituminous coal.		Coke.		Ores.		Stone and sand.		Other products.	
	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%
Atchison, Topeka & Santa Fe	2,184	.03	913,394	13.67	21,295	.32	67,601	1.01	233,795	3.50	305,578	4.58
Chicago, Burlington & Quincy	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chicago, Rock Island & Pacific	15,934	.50	307,926	9.50	75,234	2.30	47,434	1.50	32,218	1.00	61,580	1.90
Kansas Southwestern	.....	.....	5,864	15.51	.....	.....	.....	.....	241	.64	.....	.....
Kansas City, Mexico & Orient	.....	.....	1,174	1.31	.....	.....	.....	.....	867	.97	22	.02
Leavenworth & Topeka	.....	.....	3,119	14.00	.....	.....	.....	.....	563	2.53	227	1.02
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	9,343	.16	906,809	15.53	.....	.....	896,299	15.35	.....	.....	.....	.....
Central Branch	1,615	.27	79,038	13.26	.....	.....	10,538	1.77	.....	.....	.....	.....
St. Joseph & Grand Island	2,254	.33	74,134	10.89	479	.....	.....	.....	11,535	1.70	5,914	.86
St. Louis & San Francisco	.....	.....	576,277	31.54	18,016	.99	32,225	1.76	97,473	5.33	34,975	1.91
Union Pacific	3,722	.19	258,366	13.40	558	.03	648	.03	16,924	.88	64,990	3.37
Totals	35,052	.....	3,126,101	.....	115,582	.....	1,054,745	.....	393,616	.....	473,286	.....

TABLE No. 19—*Continued.* Freight Traffic Movement, State of Kansas.

ROADS.	Product of forest.				Manufactures.							
	Lumber.		Other products.		Petroleum.		Sugar.		Naval stores.		Iron pig and bloom.	
	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%
Atchison, Topeka & Santa Fe	440,076	6.59	84,097	1.26	67,056	1.00	92,503	1.39	14,851	0.22	.....	.....
Chicago, Burlington & Quincy	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chicago, Rock Island & Pacific	295,424	9.20	68,758	2.10	22,548	.70	39,185	1.20	.....	.....	1,925	0.10
Kansas Southwestern	1,624	2.30	.....	.....	.....	.....	66	.17	.....	.....	.....	.....
Kansas City, Mexico & Orient	3,538	3.94	1,235	1.38	.....	.....	371	.41	.....	.....	64	.07
Leavenworth & Topeka	851	3.82	521	2.34	.....	.....	31	.14	.....	.....	33	.15
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	461,871	7.91	131,963	2.26	[1]	.....	.....	.....	.....	.....	.....	.....
Central Branch	28,816	4.83	3,343	.56	[1]	.....	.....	.....	.....	.....	.....	.....
St. Joseph & Grand Island	33 806	5.70	480	.06	6,435	.96	17,718	2.60	.....	.....	1,356	.20
St. Louis & San Francisco	2?4,286	12.27	164,328	8.99	18,399	1.01	5,729	.31	.....	.....	20,956	1.15
Union Pacific	159,420	8.27	1,750	.09	20,540	1.07	33,041	1.71	15	.....	3,540	.18
Totals	1,654,712	.....	456,470	.....	134,978	.....	188,594	.....	14,866	.....	27,874	.....

1. Included in merchandise tonnage.

TABLE No. 19—*Continued.* Freight Traffic Movement, State of Kasnas.

Roads.	Manufactures.											
	Iron and steel rails.		Other castings and machinery.		Bar and sheet metal.		Cement, brick and lime.		Agricultural implements.		Wagons, carriages and tools.	
	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%
Atchison, Topeka & Santa Fe	35,260	.53	159,735	2.39	58,778	.88	431,656	6.46	38,969	.58	22,202	.33
Chicago, Burlington & Quincy												
Chicago, Rock Island & Pacific	20,748	.60	31,925	1.00	47,743	1.50	165,187	5.10	31,632	1.00	21,787	.70
Kansas Southwestern							1,130	2.99	280	.74		
Kansas City, Mexico & Orient	3,126	3.49	1,318	1.46	1,338	1.49	6,286	7.01	1,169	1.31	192	.22
Leavenworth & Topeka			30	.13			688	3.09	58	.26	32	.14
Missouri, Kansas & Texas												
Missouri Pacific	[1]											
Central Branch	[1]											
St. Joseph & Grand Island	1,423	.21	18,853	2.87	4,130	.61	29,066	4.28	3,173	49	1,154	.17
St. Louis & San Francisco	3,356	.46	5,839	.32	5,716	.31	96,049	5.26	3,098	.17	4,256	.23
Union Pacific	4,596	.24	19,876	1.08	3,744	.19	112,437	5.84	9,084	.47	2,664	.14
Totals	73,509		237,671		121,449		842,499		87,463		52,827	

1. Included in merchandise tonnage.

TABLE No. 19—*Concluded.* Freight Traffic Movement, State of Kansas.

Roads.	Manufactures.						Merchandise.		Miscellaneous.		Total freight traffic movement.	
	Wines, liquors and beers.		Household goods and furniture.		Other manufactures.							
	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%	Tons.	%
Atchison, Topeka & Santa Fe	53,339	.80	77,992	1.17	326,050	4.88	590,565	8.84	145	.....	6,680,826	100.00
Chicago, Burlington & Quincy	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chicago, Rock Island & Pacific	21,840	.70	66,440	2.00	294,634	9.01	247,258	7.60	24,768	.80	3,235,140	100.00
Kansas Southwestern	.....	.....	590	1.56	.....	.....	2,710	7.17	692	1.83	37,807	100.00
Kansas City, Mexico & Orient	308	.34	1,542	1.72	1,558	1.74	.....	.....	5,223	5.83	89,648	100.00
Leavenworth & Topeka	.....	.....	531	2.33	43	.20	.....	.....	4,398	19.72	22,272	100.00
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	[1]	.....	.....	.....	.....	.....	1,126,943	19.30	242,906	4.16	5,830,081	100.00
Central Branch	.....	.....	.....	.....	.....	.....	116,686	19.58	11,671	1.96	595,977	110.00
St. Joseph & Grand Island	7,095	1.04	7,326	1.08	20,451	3.01	49,946	7.35	11,069	1.62	679,727	100.00
St. Louis & San Francisco	5,886	.29	10,608	.59	72,188	8.95	89,561	4.90	9,218	.51	1,827,466	100.00
Union Pacific	8,160	.43	8,605	.45	34,408	1.78	139,110	7.21	30,899	1.60	1,928,411	100.00
Totals	96,128	.....	173,434	.....	749,332	.....	2,362,779	.....	340,984	.....	20,935,855	.....

1. Included in merchandise tonnage.

TABLE No. 20. Passenger Traffic, State of Kansas.

Roads.	Passengers carried.				Passenger revenue.			Passenger service train revenue.		
	Number earning revenue.	One mile.	One mile per mile of road.	Average distance carried.	Total.	Average from each passenger.	Average per passenger mile.	Total.	Per mile of road.	Per train mile.
						dols.	*cts.*			*dols.*
Atchison, Topeka & Santa Fe	4,213,852	305,349,944	114,899	72.46	$5,565,112 86	1.32067	1.822	$7,374,679 92	$2,774 99	1.46658
Chicago, Burlington & Quincy	[1]									
Chicago, Rock Island & Pacific	1,869,981	179,174,684	150,699	95.82	3,350,539 65	1.79175	1.870	4,015,931 41	3,377 68	1.34922
Kansas Southwestern	28,932	580,560	9,580	20.07	12,797 27	.44232	2.204	18,164 61	299 75	.35726
Kansas City Belt										
Kansas City Southern	[1]									
Kansas City, Mexico & Orient	50,744	1,654,754	22,768	32.61	37,834 22	.76391	2.287	46,925 89	645 50	.90409
Leavenworth & Topeka	35,249	686,250	12,228	19.47	14,595 66	.41404	2.127	17,943 83	319 74	.51019
Leavenworth Terminal Railway and Bridge										
Leavenworth Depot and Railroad Company										
Missouri, Kansas & Texas					1,012,492 01			1,204,177 72		
Missouri Pacific	1,905,252	88,334,186	44,370	46.36	1,679,878 10	.88171	1.902	2,111,603 50	1,060 88	.82765
Central Branch	444,137	14,536,250	37,446	32.73	307,866 45	.69318	2.410	409,999 37	1,056 18	.87784
St. Joseph & Grand Island	[1]									
St. Louis & San Francisco	1,069,122	53,084,844	84,253	49.65	1,135,451 64	1.06204	2.139	1,418,693 39	2,251 68	.96898
Union Pacific	1,309,497	85,064,673	84,671	64.96						
Totals	9,526,766	728,466,145			$13,116,567 86			$16,618,119 64		

1. Not compiled.

TABLE No. 20*a*. Freight Traffic, State of Kansas.

Roads.	Tons of freight carried.				Freight revenue.				
	Number earning revenue.	One mile.	One mile per mile of road.	Average distance hauled.	Total.	Average for each ton.	Average per ton per mile.	Per mile of road.	Per train mile.
						dols.	*cts.*		*dols.*
Atchison, Topeka & Santa Fe	6,680,326	1,497,040,466	563,316	224.10	$15,347,857 00	2.29747	1.025	$5,775 19	2.78975
Chicago, Burlington & Quincy	[1]								
Chicago, Rock Island & Pacific	3,235,140	790,240,471	664,648	244.27	7,647,536 14	2.36390	.968	6,432 12	2.94414
Kansas Southwestern	37,807	1,041,169	17,181	27.54	40,499 67	1.07122	3.890	668 31	1.07046
Kansas City Belt					287,029 33				
Kansas City Southern	[1]								
Kansas City, Mexico & Orient	89,648	5,126,238	70,532	57.18	121,512 41	1.35544	2.942	1,671 88	2.88738
Leavenworth & Topeka	22,272	660,390	11,767	29.65	25,216 25	1.13220	6.818	449 33	.71696
Leavenworth Terminal Railway and Bridge									
Leavenworth Depot and Railroad Company									
Missouri, Kansas & Texas	[1]				2,457,840 99				
Missouri Pacific	5,839,081	885,406,849	444,834	151.63	7,398,007 15	1.26698	.835	3,716 80	2.01274
Central Branch	596,977	73,944,254	190,485	124.07	1,075,200 35	1.80410	.840	2,769 78	1.89514
St. Joseph & Grand Island	[1]								
St. Louis & San Francisco	1,827,466	315,637,788	500,694	172.72	3,013,278 48	1.64888	.955	4,782 52	1.74946
Union Pacific	1,928,411	389,833,775	388,029	202.15					
Totals	20,256,128	3,968,981,400			$37,413,977 77			$26,265 98	

1. Not compiled.

TABLE No. 20b. Passenger and Freight Traffic, State of Kansas.

Roads.	Operating revenues.			Operating expenses.			Net operating revenue.		Net operating deficit.	
	Total.	Per mile of road.	Per train mile.	Total.	Per mile of road.	Per train mile.	Total.	Per mile of road.	Total.	Per mile of road.
			dols.			dols.				
Atchison, Topeka & Santa Fe	$22,912,445 21	$8,621 64	2.40600	$13,682,682 35	$5,148 61	1.43679	$9,229,762 86	$3,473 03		
Chicago, Burlington & Quincy	1									
Chicago, Rock Island & Pacific	11,727,281 78	9,868 48	2:11813	7,165,874 29	6,027 01	1.29427	4,561,407 49	3,836 47		
Kansas Southwestern	59,768 16	986 27	1.17552	72,655 25	1,198 93	1.42898			$12,887 09	$212 66
Kansas City Belt	287,029 33			249,990 83			37,038 50			
Kansas City Southern	1									
Kansas City, Mexico & Orient	169,768 35	2,335 83	1.80628	199,685 14	2,747 46	2.12458			29,916 79	411 62
Leavenworth & Topeka	55,979 87	997 50	1.59165	59,554 02	1,161 19	1.69327			3,574 15	63 68
Leavenworth Term. Railway and Bridge										
Leavenworth Depot and Railroad Co										
Missouri, Kansas & Texas	3,716,073 70			2,622,564 39			1,093,509 31			
Missouri Pacific	9,662,900 60	4,854 71	1.60781	7,226,819 80	3,630 80	1.20247	2,436,080 80	1,223 91		
Central Branch	1,498,798 07	3,860 99	1.52467	969,597 74	2,497 74	.98634	529,200 50	1,363 25		
St. Joseph & Grand Island	1									
St. Louis & San Francisco	4,519,540 31	7,173 18	1.44105	3,120,805 75	4,953 18	.99506	1,398,734 56	2,220 00		
Union Pacific	1									
Totals	$54,609,585 38			$35,370,229 56			$19,285,734 02			

1. Not compiled.

TABLE No. 20*b*—*Concluded.* Passenger and Freight Traffic, State of Kansas.

Roads.	Average number of—								Average mileage operated during year.
	Passengers per car mile.	Passengers per train mile.	Passenger-cars per train mile.	Tons of freight per loaded car mile.	Tons of freight per train mile.	Freight-cars per train mile.	Loaded cars per train mile.	Empty cars per train mile.	
Atchison, Topeka & Santa Fe	11	61	5.67	14.27	272.11	26.39	19.07	6.49	2,657.55
Chicago, Burlington & Quincy	[1]								
Chicago, Rock Island & Pacific	10	60	6.17	14.81	304.23	30.73	20.54	9.16	1,188.96
Kansas Southwestern	6	11	1.77	11.11	27.52	3.32	2.48	0.84	60.60
Kansas City Belt	[1]								
Kansas City Southern									
Kansas City, Mexico & Orient	11	31	3.00	11.72	121.81	16.27	10.39	4.88	72.68
Leavenworth & Topeka	10	20	2.05	7.41	18.78	3.35	2.53	0.82	56.12
Leavenworth Terminal Railway and Bridge									
Leavenworth Depot and Railroad Company	[1]								
Missouri, Kansas & Texas									
Missouri Pacific	8	34	4.04	17.44	240.89	20.62	13.81	5.85	1,990.42
Central Branch	8	31	3.89	12.29	130.33	16.61	10.61	5.09	388.19
St. Joseph & Grand Island	[1]								
St. Louis & San Francisco	10	36	3.78	17 10	18.33	16.75	10.71	5.22	629.97
Union Pacific	11	54	4 68	15.80	278.25	25.01	17.61	6.64	1,004.65

1. Not compiled.

TABLE No. 21. Locomotive Mileage, State of Kansas.

Roads.	Miles run in revenue service.						Non-revenue service mileage.
	Freight.	Passenger.	Mixed.	Special.	Switching.	Total.	
Atchison, Topeka & Santa Fe	4,981,067	4,085,385	1,039,438	27,227	1,926,637	12,059,754	365,722
Chicago, Burlington & Quincy	[1]						
Chicago, Rock Island & Pacific	2,713,223	2,978,932	44,059	6,577	1,089,312	6,832,103	184,180
Kansas Southwestern	13,010	37,834				50,844	198
Kansas City Belt	[1]						
Kansas City Southern	[1]						
Kansas City, Mexico & Orient	42,084	51,904				93,988	3,087
Leavenworth & Topeka			35,235		21,838	57,073	3,032
Leavenworth Terminal Railway and Bridge							
Leavenworth Depot and Railroad Company							
Missouri, Kansas & Texas	[1]						
Missouri Pacific	3,559,266	2,387,505	220,813	3,473	1,129,711	7,300,768	130,235
Central Branch	524,676	420,221	51,681	516	90,161	1,087,255	14,960
St. Joseph & Grand Island	[1]						
St. Louis & San Francisco	1,699,930	1,421,478	53,966	3,481	697,491	3,876,346	90,162
Union Pacific	1,175,078	1,263,929	337,832	2,574	406,711	3,186,124	118,925
Totals	14,708,334	12,647,188	1,783,024	43,848	5,361,861	34,544,255	910,441

1. Not compiled.

TABLE No. 22. Car Mileage, State of Kansas.

[Roads.	Miles run by freight-cars.			Miles run by passenger-cars.			Miles run by special cars.	Total miles run in revenue service.	Miles run in non-revenue service.
	Loaded.	Empty.	Caboose.	Passenger.	Sleeping and parlor.	Others.			
Atchison, Topeka & Santa Fe	104,925,563	35,701,353	4,552,751	11,309,263	6,874,842	10,344,573	238,899	173,947,244	3,054,671
Chicago, Burlington & Quincy	[1]								
Chicago, Rock Island & Pacific	53,348,386	23,788,753	2,689,656	7,615,937	5,564,311	5,172,790	72,906	98,252,739	.....
Kansas Southwestern	93,726	31,765	.....	13,962	.....	76,131	.....	215,614	502
Kansas City Belt	[1]								
Kansas City Southern	[1]								
Kansas City, Mexico & Orient	437,354	205,179	42,058	684,591	.....	53,380	.....	840,512	18,736
Leavenworth & Topeka	89,090	28,863	.....	72,072	.....	.....	.....	190,025	16,531
Leavenworth Terminal Railway and Bridge	[1]								
Leavenworth Depot and Railroad Company	[1]								
Missouri, Kansas & Texas	[1]								
Missouri Pacific	50,777,979	21,512,715	3,490,339	5,303,850	1,912,527	3,105,455	25,871	86,128,736	.....
Central Branch	6,018,020	2,888,008	515,969	926,755	158,006	727,008	4,099	11,237,945	92,931
St. Joseph & Grand Island	[1]								
St. Louis & San Francisco	18,455,118	8,992,196	1,401,006	2,928,584	881,538	1,717,804	42,531	34,418,777	710,783
Union Pacific	24,667,275	9,296,115	1,067,408	3,584,186	1,394,574	2,424,151	45,630	42,481,339	681,510
Totals	258,812,511	102,446,977	13,759,187	32,439,196	16,785,798	23,621,292	429,936	447,712,931	4,575,664

1. Not compiled.

TABLE No. 23. Train Mileage, State of Kansas.

Roads.	Miles run in revenue service.					Miles run in non-revenue service.
	Freight.	Passenger.	Mixed.	Special.	Total.	
Atchison, Topeka & Santa Fe	4,468,346	3,995,304	1,033,172	26,242	9,523,064	317,722
Chicago, Burlington & Quincy	[1]					
Chicago, Rock Island & Pacific	2,553,552	2,982,489	48,993	6,577	5,536,611	184,180
Kansas Southwestern		13,010	37,834		50,844	198
Kansas City Belt	[1]					
Kansas City Southern	[1]					
Kansas City, Mexico & Orient	42,084	51,904			93,988	3,037
Leavenworth & Topeka			35,171		35,171	2,692
Leavenworth Terminal Railway and Bridge	[1]					
Leavenworth Depot and Railroad Company	[1]					
Missouri, Kansas & Texas	[1]					
Missouri Pacific	3,455,197	2,330,919	220,396	3,473	6,009,985	125,831
Central Branch	515,969	415,315	51,376	366	983,026	12,737
St. Joseph & Grand Island	[1]					
St. Louis & San Francisco	1,668,700	1,410,400	53,707	3,481	3,136,288	90,162
Union Pacific	1,065,855	1,246,084	335,143	2,295	2,649,327	60,641
Totals	13,769,703	12,395,375	1,810,792	42,434	28,018,304	797,200

1. Not compiled.

TABLE No. 24. Consumption of Fuel by Locomotives, State of Kansas.

Roads.	Tons of coal.	Cords of wood.		Total fuel consumed.	Average pounds consumed per mile.	Average cost of coal per ton.	Average cost of wood per cord.	Miles run.
		Hard.	Soft.					
Atchison, Topeka & Santa Fe	1,040,959.00	7,645.00	.....	1,046,056.00	153.28	$1 50	$2 12	13,649,155
Chicago, Burlington & Quincy[1]								
Chicago, Rock Island & Pacific	515,904.64	3,277.50	.....	518,608.96	147.83	2 08	1 61	7,016,283
Kansas Southwestern	1,871.00	.....	.....	1,871.00	73.31	2 84	.....	37,042
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City, Mexico & Orient	7,310.94	.....	21.74	7,321.86	151.00	3 29	5 25	97,025
Leavenworth & Topeka	2,496.66	28.94	.....	2,515.95	83.72	2 75	4 25	60,105
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas[1]								
Missouri Pacific	512,639.00	1,005.00	3,367.00	515,062.00	138.68	1 85	2 00	7,431,003
Central Branch	80,938.00	1,063.00	.....	81,647.00	148.15	1 85	3 00	1,102,205
St. Joseph & Grand Island	31,412.00	426.50	.....	31,440.43	133.98	2 10	1 50	469,319
St. Louis & San Francisco	256,876.83	657.30	.....	266,562.80	134.41	1 55	2 36	3,966,508
Union Pacific	235,744.00	.....	1,298.00	236,466.60	150.61	2 53	1 25	3,140,051
Totals	2,686,152.07	14,103.24	4,681.74	2,707,572.60	.....	.....	.....	36,982,696

1. No Kansas statistics given.

TABLE No. 25. Renewal of Rails and Ties During Year, State of Kansas.

Roads.	Rails.			Ties—kind and number.				Average price at distributing point.			
	Tons.	Wt. per yard.	Average price at distributing point.	Oak.	Cedar.	Treated.	Others.	Oak.	Cedar.	Treated.	Others.
		lbs.						*cts.*	*cts.*	*cts.*	*cts.*
Atchison, Topeka & Santa Fe	1,882,339.64	85	$30 51	3,609	.....	813,324	.....	72.62	.....	67.75	.....
Chicago, Burlington & Quincy	348.08	75	29 81	13,256	.....	35,618	6,797	67.50	.....	66.00	66.00
Chicago, Rock Island & Pacific	3,393.40	85	28 00	303,437	698	4,366	48,895	[1]57.00	.....	.....	.....
Kansas Southwestern	.....	.....	.....	19,292	.....	199	.....	88.43	.....	108.33	.....
Kansas City Belt	102.16	75	22 31	1,477	.....	.....	.....	68.10	.....	.....	.....
Kansas City, Mexico & Orient	.....	.....	.....	12,335	.....	.....	.....	76.00	.....	.....	.....
Leavenworth & Topeka	.....	.....	.....	.....	.....	8,467	330	.....	.....	103.00	57.00
Missouri, Kansas & Texas	[2]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	6,144.28	85	30 90	663,799	.....	87,868	145,882	50.00	.....	57.00	33.75
Central Branch	.....	.....	.....	171,063	.....	.....	97,854	50.00	.....	.....	33.75
St. Joseph & Grand Island	482.77	75	29 75	29,810	.....	.....	12,209	69.50	.....	.....	62.50
St. Louis & San Francisco	1,382.23	75	31 96	169,963	.....	.....	3,555	49.20	.....	.....	117.10
Union Pacific	3,157.01	75	29 77	164,191	2,172	.....	82,518	79.21	88.53	.....	86.65
Totals	1,897,349.57	.....	.....	1,552,232	3,140	949,842	398,040	.....	.....	.....	.....

1. Average price of all ties.
2. No report of Kansas statistics.

TABLE No. 26. Characteristics of Road, State of Kansas.

Roads.	Miles of road.	Alinement.			Profile.			
						Ascending grades.		
		Number of curves.	Aggregate length of curved line, miles.	Length of straight line, miles.	Length of level line.	Number.	Sum of ascents, feet.	Aggregate length of ascending grades, miles.
Atchison, Topeka & Santa Fe	2,657.55	2,034	353.15	2,304.40	489.02	1,875	31,000.7	1,344.66
Chicago, Burlington & Quincy								
Chicago, Rock Island & Pacific	1,164.27	161	36.03	168.20	38.04	125	2,414.8	115.82
Kansas Southwestern								
Kansas City Belt	3.69	8	.83	2.86	1.48	4	1.7	1.26
Kansas City Southern								
Kansas City, Mexico & Orient	72.68	45	8.78	73.90	17.33	35	78.9	26.96
Leavenworth & Topeka	56.12	96	21.02	35.10	5.89	68	331.5	27.85
Leavenworth Terminal Railway and Bridge								
Leavenworth Depot and Railroad Company								
Missouri, Kansas & Texas	770.86	507	129.38	641.48	172.96	919	8,711.8	263.90
Missouri Pacific	1,990.05	1,748	373.61	1,597.19	388.49	1,681	2,751.1	866.94
Central Branch	388.19	389	78.62	309.57	77.80	445	4,869.0	178.45
St. Joseph & Grand Island	257.85	27	64.54	193 31	56.64	2	.....	198.41
St. Louis & San Francisco								
Union Pacific	1,154.73	1,056	227.07	927.66	232.50	858	13,556.0	654.07
Totals	8,515.99	6,071	1,293.03	6,253.67	1,480.25	6,007	63,710.0	3,678.31

TABLE No. 26—*Concluded.* Characteristics of Road, State of Kansas.

Roads.	Profile.			Bridges.		Trestles.	
	Descending grades.						
	Number.	Sum of descents, feet.	Aggregate length of descending grades, miles.	Number.	Aggregate length, feet.	Number.	Aggregate length, feet.
Atchison, Topeka & Santa Fe	1,710	28,264.0	823.87	885	41,335	1,774	156,773
Chicago, Burlington & Quincy				18	1,828	235	15,086
Chicago, Rock Island & Pacific	92	1,723.5	61.37	188	16,119	246	20,739
Kansas Southwestern				1	206	81	9,011
Kansas City Belt	6	14.0	.95	1	600	1	14
Kansas City Southern							
Kansas City, Mexico & Orient	29	75.5	28.40			45	6,654
Leavenworth & Topeka	54	306.3	22.38	5	284	49	4,009
Leavenworth Terminal Railway and Bridge				1	220		
Leavenworth Depot and Railroad Company							
Missouri, Kansas & Texas	1,106	9,531.7	334.00	41	2,988	767	35,622
Missouri Pacific	1,563	2,428.4	711.72	106	12,974	2,484	158,263
Central Branch	333	5,409.0	106.48	39	3,871	546	27,629
St. Joseph & Grand Island	2		2.80	11	2,230	158	7,927
St. Louis & San Francisco							
Union Pacific	540	6,913.0	268.06	204	14,839	957	59,544
Totals	5,435	49,665.4	2,360.03	1,500	97,494	7,338	501,221

TABLE No. 27. Employees and Salaries, State of Kansas.

Roads.	General officers.			Other officers.			General office clerks.			Station agents.		
	No.	Compensation.		No.	Compensation.		No.	Compensation.		No.	Compensation.	
		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.
Atchison, Topeka & Santa Fe	28	$122,221 52	$13 04	34	$81,322 10	$6 75	1,085	$750,197 76	$2 03	305	$234,665 78	$2 06
Chicago, Burlington & Quincy	.....	.....	.....	.....	.....	.....	3	2,008 98	2 16	35	24,789 53	1 94
Chicago, Rock Island & Pacific	31	65,284 06	30 41	17	37,317 05	6 95	1,118	178,617 08	2 15	35	39,186 38	2 94
Kansas Southwestern	3	4,500 00	4 10	1	1,200 00	3 28	4	3,235 98	1 98	6	3,314 97	1 51
Kansas City Belt	4	1,500 00	1 60	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas City Southern	1	4,000 00	10 96	9	17,700 00	5 39	14	12,060 00	2 36	3	2,944 20	2 65
Kansas City, Mexico & Orient	16	9,200 00	7 20	3	4,920 00	4 50	27	17,635 97	1 93	8	6,060 00	2 07
Leavenworth & Topeka	.....	.....	.....	.....	.....	.....	.....	.....	.....	5	2,138 99	1 51
Leavenworth Terminal Railway and Bridge	4	5,000 00	3 42	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	2	600 00	1 64	1	1,200 00	3 28	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	29	151,132 29	14 13	56	97,797 72	5 44	379	334,854 10	2 38	317	234,928 08	2 07
Central Branch	4	18,325 81	13 14	8	11,879 98	4 94	54	47,467 51	2 37	71	50,287 43	1 90
St. Joseph & Grand Island	5	15,301 00	8 38	9	19,320 00	5 88	81	69,130 20	2 34	39	29,313 00	2 06
St. Louis & San Francisco	.....	.....	.....	2	7,008 03	9 82	.....	.....	.....	83	59,000 66	2 09
Union Pacific	1	175 00	5 83	12	25,598 31	6 46	46	30,373 36	2 13	105	59,890 96	1 93
Totals	123	$397,189 68	.....	152	$305,253 19	.....	2,811	$1,445,530 94	.....	1,012	$746,519 98	.....

TABLE No. 27—*Continued.* Employees and Salaries, State of Kansas.

Roads.	Other station men.			Enginemen.			Firemen.			Conductors.		
	No.	Compensation.		No.	Compensation.		No.	Compensation.		No.	Compensation.	
		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.
Atchison, Topeka & Santa Fe	835	$391,572 40	$1 59	506	$678,763 48	$5 88	559	$420,091 26	$3 64	322	$417,249 82	$5 32
Chicago, Burlington & Quincy	24	14,854 84	1 97	5	7,913 76	4 34	6	4,836 99	2 21	5	6,378 14	3 49
Chicago, Rock Island & Pacific	355	184,814 24	1 42	260	358,954 47	4 66	316	249,252 56	3 24	163	221,008 07	4 12
Kansas Southwestern				1	1,842 51	4 20	1	1,088 58	2 48	1	1,417 38	3 24
Kansas City Belt	4	2,760 00	2 20	5	5,175 00	3 75	5	3,105 00	2 25	6	5,700 00	3 77
Kansas City Southern	7	5,160 00	1 77	119	14,615 13	4 24	134	8,715 84	2 50	80	4,947 40	3 75
Kansas City, Mexico & Orient	10	5,170 00	1 80	5	6,530 10	4 21	5	4,288 53	2 75	5	5,845 20	3 69
Leavenworth & Topeka	1	177 00	1 11	2	2,765 26	3 88	2	1,834 13	2 57	2	1,291 92	3 36
Leavenworth Terminal Rly. and Bridge												
Leavenworth Depot and Railroad Co	9	2,760 00	1 26									
Missouri, Kansas & Texas												
Missouri Pacific	212	114,072 25	1 69	434	459,751 08	5 01	444	233,358 60	3 12	299	290,035 69	4 29
Central Branch	64	34,550 28	1 51	37	69,593 14	5 54	37	43,627 85	3 47	30	46,338 80	4 81
St. Joseph & Grand Island	35	22,770 00	1 78	26	38,807 64	4 01	28	26,787 60	2 49	23	29,988 60	3 64
St. Louis & San Francisco	105	58,258 60	1 54	104	152,879 86	4 45	114	100,077 80	2 74	67	98,090 49	4 21
Union Pacific	296	87,350 08	1 38	90	138,707 78	4 18	89	86,790 89	2 67	53	96,258 42	4 35
Totals	1,957	$924,269 64		1,594	$1,936,299 21		1,740	$1,233,855 43		1,056	$1,215,149 43	

TABLE No. 27—*Continued.* Employees and Salaries, State of Kansas.

Roads.	Other trainmen.			Machinists.			Carpenters.			Other shopmen.		
	No.	Compensation.		No.	Compensation.		No.	Compensation.		No.	Compensation.	
		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily
Atchison, Topeka & Santa Fe	926	$791,074 53	$3 04	334	$325,741 09	$3 70	643	$434,084 27	$2 61	2,394	$1,465,260 77	$2 21
Chicago, Burlington & Quincy	4	3,624 90	2 48	.....	.....	.....	43	30,341 29	2 25	12	7,365 00	1 96
Chicago, Rock Island & Pacific	362	248,912 45	2 58	124	130,004 58	3 64	160	177,597 98	2 51	1,093	781,101 21	2 08
Kansas Southwestern	3	2,049 37	2 10	1	902 42	2 46	1	1,346 62	2 06	3	2,249 43	1 68
Kansas City Belt	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	751 20	.....
Kansas City Southern	199	39,015 40	3 16	107	46,210 44	3 28	41	32,508 93	2 62	358	196,543 68	2 00
Kansas City, Mexico & Orient	7	5,248 30	2 30	.....	.....	.....	15	5,696 00	2 31	.....	.....	.....
Leavenworth & Topeka	13	4,547 62	2 98	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Rly. and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Co	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	711	456,563 51	2 66	74	70,499 89	3 45	220	93,792 82	2 41	384	191,512 57	2 31
Central Branch	81	80,674 71	2 96	10	7,623 67	3 64	20	14,822 08	2 97	122	77,428 70	2 30
St. Joseph & Grand Island	45	35,579 95	2 50	16	16,821 00	3 05	31	19,240 44	2 00	99	62,559 24	1 73
St. Louis & San Francisco	227	197,149 57	2 96	32	33,152 65	3 47	65	48,050 01	2 44	80	44,333 69	2 07
Union Pacific	150	134,826 45	2 57	29	42,852 18	3 65	81	54,896 11	2 67	184	207,047 18	2 66
Totals	2,728	$1,999,266 76	.....	727	$673,807 92	.....	1,320	$912,366 20	.....	4,730	$3,085,152 67	.....

TABLE No. 27—*Continued.* Employees and Salaries, State of Kansas.

Roads.	Section foremen.			Other trackmen.			Switchmen and watchmen.			Telegraphers and dispatchers.		
	No.	Compensation.		No.	Compensation.		No.	Compensation.		No.	Compensation.	
		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.
Atchison, Topeka & Santa Fe	399	$283,426 64	$1 81	2,727	$1,109,423 77	$1 39	79	$35,103 26	$1 47	492	$316,094 57	$2 42
Chicago, Burlington & Quincy	36	24,949 60	1 90	118	53,548 89	1 45	.....	.....	.....	5	4,205 75	2 30
Chicago, Rock Island & Pacific	178	104,774 63	1 86	1,195	654,917 40	1 40	261	245,604 80	2 91	281	216,640 13	2 34
Kansas Southwestern	7	4,424 95	1 64	26	13,185 78	1 49	.....	.....	.....	.....	.....	.....
Kansas City Belt	1	780 00	2 49	10	4,365 00	1 25	8	3,955 20	1 58	.....	.....	.....
Kansas City Southern	6	4,224 00	1 92	96	26,963 52	1 46	5	2,514 00	1 38	10	13,659 00	2 93
Kansas City Mexico & Orient	14	6,208 14	1 65	77	27,169 40	1 29	.....	.....	.....	5	2,688 72	1 83
Leavenworth & Topeka	8	4,380 00	1 50	27	6,460 02	1 35	8	3,165 90	1 23	.....	.....	.....
Leavenworth Terminal Railway and Bridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	1	420 00	1 15	5	1,249 66	1 98
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	485	243,352 94	1 71	1,737	511,577 19	1 36	159	33,246 56	75	241	184,650 72	2 61
Central Branch	69	35,279 55	1 38	210	87,042 73	1 19	26	12,146 57	1 28	23	16,185 72	2 65
St. Joseph & Grand Island	41	27,304 20	1 64	81	36,223 20	1 23	1	420 00	1 15	27	19,950 00	2 02
St. Louis & San Francisco	100	62,790 00	1 72	331	155,594 03	1 38	40	12,779 14	90	87	79,682 81	2 57
Union Pacific	171	102,535 26	1 87	1,096	384,168 00	1 51	12	4,387 25	1 38	111	85,642 81	2 15
Totals	1,515	$904,429 91	.....	7,781	$3,070,638 93	.....	600	$358,742 68	.....	1,287	$940,649 39	.....

TABLE No. 27—*Continued.* Employees and Salaries, State of Kansas.

Roads.	Other employees.			Distribution.								
				Maintenance of way and structures.			Maintenance of equipment.			Traffic expenses.		
	No.	Compensation.		No.	Compenstion.		No.	Compensation.		No.	Compensation.	
		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.
Athison, Topeka & Santa Fe	2,076	$1,214,734 72	$1 99	4,149	$2,108,225 33	$1 67	4,217	$2,980,213 37	$2 31	136	$108,682 06	$2 27
Chicago, Burlington & Quincy	6	6,101 71	3 25	198	109,604 08	1 71	13	8,129 30	1 95	3	4,887 96	5 21
Chicago, Rock Island & Pacific	352	332,426 50	2 27	1,801	1,186,391 09	1 68	1,217	911,105 79	2 21	18	23,070 12	2 76
Kansas Southwestern	3	241 50	22	35	20,187 98	1 51	1	1,712 69	3 89	1	585 00	8 01
Kansas City Belt	10	2,970 00	2 15	11	5,145 00	1 35	.....	.....	.....	.....	.....	.....
Kansas City Southern	115	44,418 16	2 08	173	50,375 36	1 66	526	299,742 75	2 28	.....	.....	.....
Kansas City, Mexico & Orient	10	5,681 55	2 21	105	38,583 42	1 44	6	6,922 89	3 81	10	12,080 78	3 39
Leavenworth & Topeka	15	2,527 64	2 35	50	13,367 66	1 52	.....	.....	.....	.....	.....	.....
Leavenworth Terminal Railway and Bridge	5	3,120 00	1 71	5	3,120 00	1 71	.....	.....	.....	.....	.....	.....
Leavenworth Depot and Railroad Company	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	1,995	996,417 96	2 10	2,864	1,026,019 40	1 56	789	393,568 72	2 40	155	156,790 40	2 72
Central Branch	245	143,732 58	1 89	339	164,108 42	1 48	183	108,839 45	2 24	17	17,266 85	2 65
St. Joseph & Grand Island	114	64,741 20	1 84	139	80,768 40	1 54	244	146,540 88	1 82	27	26,316 00	2 67
St. Louis & San Francisco	500	350,445 58	2 15	579	341,330 14	1 72	423	269,679 63	2 10	.....	.....	.....
Union Pacific	442	278,271 13	1 80	1,455	622,541 97	1 71	307	337,667 43	2 60	14	860 00	2 05
Totals	5,888	$3,445,830 23	.....	11,908	$5,769,768 25	.....	7,926	$5,164,122 90	.....	381	$345,489 09	.....

TABLE No. 27—*Concluded.* Employees and Salaries, State of Kansas.

Roads.	Distribution—*concluded.*						Total including general officers.			Total excluding general officers.		
	Transportation expenses.			General expenses.								
	No.	Compensation.		No.	Compensation.		No.	Compensation.		No.	Compensation.	
		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.		Total yearly.	Av. daily.
Atchison, Topeka & Santa Fe	4,357	$3,551,348 05	$2 98	880	$627,558 43	$2 12	13,739	$9,071,927 24	$2 29	13,716	$8,948,805 72	$2 26
Chicago, Burlington & Quincy	86	67,368 22	2 26	2	929 82	1 51	302	190,919 38	1 92	302	190,919 38	1 92
Chicago, Rock Island & Pacific	2,101	1,826,648 40	2 79	1,164	279,148 19	3 10	6,301	4,226,363 59	2 25	6,270	4,161,129 53	2 22
Kansas Southwestern	17	13,116 34	1 98	7	5,397 48	1 92	61	40,999 49	1 82	58	36,499 49	1 70
Kansas City Belt	39	24,416 40	2 51	4	1,500 00	1 60	54	31,061 40	2 08	50	29,561 40	2 19
Kansas City Southern	605	125,081 29	2 82	.....	.....	.....	1,304	475,199 40	2 30	1,303	471,199 40	2 29
Kansas City, Mexico & Orient	52	41,961 40	2 58	34	12,833 77	1 78	207	112,332 21	2 02	191	103,132 21	1 90
Leavenworth & Topeka	33	15,920 82	2 13	.....	.....	.....	83	29,288 48	1 80	83	29,288 48	1 80
Leavenworth Term. Rly. and Br.	.....	.....	.....	4	5,000 00	3 42	9	8,120 00	2 47	5	8,120 00	1 71
Leavenworth Depot and Rld. Co.	16	5,629 66	1 57	2	600 00	1 64	18	6,229 66	1 45	16	5,629 66	1 57
Missouri, Kansas & Texas	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri Pacific	3,997	2,666,993 55	2 68	421	509,171 90	3 25	8,226	4,752,543 97	2 34	8,197	4,601,411 68	2 28
Central Branch	514	439,459 56	2 53	58	67,932 78	3 11	1,111	797,607 06	2 21	1,107	779,281 25	2 17
St. Joseph & Grand Island	196	176,880 79	2 53	95	103,751 20	2 99	701	534,257 27	2 12	696	518,956 27	2 11
St. Louis & San Francisco	935	848,278 15	2 75	.....	.....	.....	1,937	1,459,287 92	2 29	1,937	1,459,287 92	2 29
Union Pacific	1,132	811,047 70	2 26	60	37,648 02	2 65	2,968	1,809,765 12	2 09	2,967	1,809,590 12	2 09
Totals	14,080	$10,614,150 31	.....	2,731	$1,645,871 59	.....	37 021	$23,545,002 19	.....	36,898	$23,147,812 51	.....

TABLE No. 28. Accidents to Persons, State of Kansas.

Roads.	Employees.																					
	Coupling and uncoupling.		Collisions.		Derailments.		Parting of trains.		Locomotives or cars breaking down.		Falling from trains, locomotives or cars.		Jumping on or off trains.		Struck by trains.		Overhead obstructions.		Other causes.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Atchison, Topeka & Santa Fe	1	19	1	15	...	9	....	2	....	1	1	39	.....	51	5	19	....	11	.....	144	8	310
Chicago, Burlington & Quincy	....	....	....	....	....	....	....	....	....	....	....	1	.....	1	....	....	....	....	.....	5	....	7
Chicago, Rock Island & Pacific	3	15	2	32	2	27	....	5	....	....	1	31	.....	19	4	8	....	2	2	39	14	178
Kansas Southwestern	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	.....	....	....	....
Kansas City Belt	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	.....	2	....	2
Kansas City Southern	....	3	....	4	....	....	....	....	....	....	1	2	.....	....	....	....	....	....	.....	2	1	11
Kansas City, Mexico & Orient	....	....	....	....	....	....	....	....	....	....	....	1	.....	....	....	....	....	....	.....	1	....	2
Leavenworth & Topeka	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	1	2	1	2
Leavenworth Terminal Railway and Bridge	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	.....	.....	....	....
Leavenworth Depot and Railroad Company	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	.....	.....	....	....
Missouri, Kansas & Texas	1	8	....	9	...	1	....	....	....	1	1	3	.....	17	...	4	....	1	1	64	3	108
Missouri Pacific	1	14	2	28	1	28	....	....	....	....	....	29	1	17	6	1	....	4	2	73	13	194
Central Branch	....	2	....	....	....	3	....	....	....	....	....	1	.....	1	....	2	....	....	.....	6	....	15
St. Joseph & Grand Island	1	....	....	....	....	....	....	....	....	....	....	....	.....	2	....	....	....	....	.....	4	1	6
St. Louis & San Francisco	2	10	....	1	....	9	....	....	....	....	1	4	1	15	....	....	....	....	.....	21	4	60
Union Pacific	....	....	....	....	....	....	....	....	....	....	....	....	.....	....	....	....	....	....	.....	....	....	....
Totals	9	71	5	89	3	77	....	7	....	2	5	111	2	123	15	34	....	18	6	363	45	895

TABLE No. 28—*Continued.* Accidents to Persons, State of Kansas.

Roads.	Passengers.																			
	Collisions.		Derailment.		Parting of trains.		Falling from trains.		Jumping on and off trains.		Struck by trains. At stations.		Struck by trains. At other points.		Other causes.		Total.			
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.		
Atchison, Topeka & Santa Fe	....	42	....	63	....	1	....	4	....	32	1	4	....	....	....	74	1	220		
Chicago, Burlington & Quincy	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		
Chicago, Rock Island & Pacific	....	118	....	52	....	1	....	3	1	18	....	1	....	1	....	30	1	224		
Kansas Southwestern	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		
Kansas City Belt	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		
Kansas City Southern	....	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1		
Kansas City, Mexico & Orient	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1	....	1		
Leavenworth & Topeka	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1	....	1		
Leavenworth Terminal Railway and Bridge	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		
Leavenworth Depot and Railroad Company	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		
Missouri, Kansas & Texas	....	7	....	....	....	....	....	....	....	3	....	....	....	....	....	8	....	18		
Missouri Pacific	....	32	....	39	....	....	....	2	....	6	....	....	....	....	....	17	....	96		
Central Branch	....	1	....	4	....	....	....	....	....	1	....	....	....	....	....	3	....	9		
St. Joseph & Grand Island	....	....	....	....	....	....	....	1	....	....	....	....	....	....	....	....	....	1		
St. Louis & San Francisco	....	7	....	....	....	....	....	3	....	2	....	....	....	....	....	9	....	21		
Union Pacific	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....		
Totals	....	208	....	158	....	2	....	13	1	62	1	5	....	1	...	143	2	59		

TABLE No. 28—*Concluded.* Accidents to Persons, State of Kansas.

Roads.	All others.																		Grand total.	
	Collisions.		Derailment.		Falling from trains.		Jumping on and off trains.		Struck by trains.						Other causes.		Total.			
									At crossings.		At stations.		At other points.							
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Atchison, Topeka & Santa Fe	...	3	....	6	5	6	3	9	3	12	....	....	7	11	1	48	19	95	28	625
Chicago, Burlington & Quincy	....	....	....	....	....	....	....	....	....	....	....	....	....	1	....	....	....	1	....	3
Chicago, Rock Island & Pacific	....	7	....	1	4	2	2	4	1	2	....	....	4	6	....	2	11	24	26	426
Kansas Southwestern	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	2
Kansas City Belt	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	13
Kansas City Southern	....	....	....	....	....	....	1	....	....	....	....	....	1	1	....	....	2	1	3	3
Kansas City, Mexico & Orient	....	....	....	....	....	....	....	....	....	....	1	....	....	....	....	....	1	....	2	....
Leavenworth & Topeka	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Leavenworth Terminal Railway and Bridge	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Leavenworth Depot and Railroad Company	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Missouri, Kansas & Texas	....	2	....	....	1	1	....	3	1	4	2	2	1	2	....	19	5	33	8	159
Missouri Pacific	3	4	2	13	2	14	....	6	2	13	4	6	12	11	7	13	32	80	45	870
Central Branch	....	....	....	....	....	....	....	3	....	....	....	....	1	....	....	3	1	6	1	30
St. Joseph & Grand Island	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	1	7
St. Louis & San Francisco	....	2	....	7	....	1	....	....	....	8	1	2	8	4	1	4	10	27	14	108
Union Pacific	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Totals	3	18	2	27	12	24	6	25	7	39	8	9	34	36	9	89	81	267	128	1,754

PART IV.

LAW AND RULES REGULATING THE STRINGING OF WIRES.

(353)

LAW RELATING TO STRINGING OF WIRES.

CHAPTER 356.—SESSION LAWS OF 1905.

Approved March 4, 1905.
Published March 15, 1905.

CONCERNING ELECTRIC AND OTHER WIRES WHEN CROSSING TRACKS.

AN ACT to regulate the stringing of wires, electric or otherwise, which cross over or under railroad-tracks, and relative to the support, maintenance, repairing or construction thereof.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The Board of Railroad Commissioners is given the power, and it is hereby made its duty, to prescribe reasonable rules and regulations with respect to the stringing of wires, electric or otherwise, which cross over or under the tracks of any railroad company, and with respect to the support, maintenance, repair or reconstruction thereof, which rules shall be furnished to any interested person upon application. But in no case shall the height of any wires which cross above the tracks of a railroad company be less than twenty-five feet from the top of the rails, except the trolley and feed wires of electric railroads, which wires shall be not less than twenty-two feet above the tops of the rails.

SEC. 2. If complaint is made to the Board of Railroad Commissioners by any interested party that wires extending over or under railroad-tracks are not properly placed, or are insecurely supported, or that the rules and regulations of the Board with respect thereto are being violated, it shall be the duty of the Board to cause an investigation of such complaint to be made, and, if it finds the complaint to be true, to make the necessary orders for the proper placing of said wires and the secure support thereof.

SEC. 3. It shall be the duty of every corporation or person to whom an order made by the Board of Railroad Commissioners under this act shall be directed to comply with such order in accordance with its terms, and for any neglect to comply therewith any such corporation or person shall be liable to a penalty of $100, and to a like penalty for every ten days during which said neglect shall continue, which penalty shall be for the benefit of the school fund, and may be recovered in a civil action brought in the name

of the state. The action may be prosecuted by the attorney-general in any county having jurisdiction, or by the county attorney of the county in which the wire or wires crossing the railroad-track shall be located.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

RULES RELATING TO STRINGING OF WIRES.

RULES AND REGULATIONS adopted by the State Board of Railroad Commissioners of the state of Kansas, under the authority given by chapter 356 of the Session Laws of 1905, entitled "An act to regulate the stringing of wires, electric or otherwise, which cross over or under railroad-tracks, and relative to the support, maintenance, repairing and construction thereof."

In all cases where any telegraph, telephone, electric-light or other wires shall cross the tracks of any steam railroad company, the crossing shall be made in accordance with the following rules:

EQUIPMENT.

SECTION 1. All poles sustaining wires which cross railroad-tracks shall be of sound timber, cedar or better, with not less than six-inch tops, and placed in the ground to a depth of not less than five (5) feet, of sufficient height so that the wires shall not be less than twenty-five (25) feet above the top of the rails after allowing for sag, well tamped, braced and guyed if necessary.

The cross-arms shall be braced with iron braces, and locust, hedge or steel pins shall be used.

Pin guards shall be attached to the ends of all cross-arms.

LOCATION OF POLES.

SEC. 2. All poles carrying wires which cross railroad-tracks shall be located not more than fifty-two (52) feet nor less than ten (10) feet from the track. All telephone and telegraph wires shall cross the track at right angles when practicable.

HEIGHT OF WIRES AND DISTANCE FROM RAILROAD COMPANY'S WIRES.

SEC. 3. Such telegraph or telephone wires shall in all cases be twenty-five (25) feet or more above the top of the rails of the track, and shall clear the wires of the railroad or telegraph company on said right of way by at least two feet; provided, that the owners of such telegraph or telephone wires shall in no case be compelled to string their wires higher than twenty-eight (28) feet above the top of the rails of the track; and provided further, that in case the wires of the railroad company are higher than twenty-seven (27) feet above the top of the rails of the track, such telegraph or telephone wires may be strung under the wires of such railroad company, but not lower than twenty-five (25) feet from the top of the rails of the track.

CHANGE OF LINES OR CONSTRUCTION OF NEW LINES BY RAILROAD COMPANY.

SEC. 4. In all cases where any telegraph or telephone line has been constructed across any railroad-track upon a public highway, the railroad company, in case it may desire to change its lines of wire already constructed or construct new lines, shall clear such telegraph or telephone wires by not less than two (2) feet; provided, that its lines need not be higher than twenty-eight (28) feet above the top of the rails of the track; and provided further, that in case such telegraph or telephone wires are higher than twenty-seven (27) feet, the wires of the railroad company so changed or newly constructed may be strung under such telegraph or telephone wires.

CROSSING UNDER RAILROAD-TRACKS.

SEC. 5. In all cases where any telegraph or telephone company shall desire to place its wires under the tracks of any railroad company, it shall, at least five days before so doing, serve a written notice upon the agent of the railroad company at the station nearest to the place where such crossing is to be made. The wires, cables or conduits used in such crossings shall be placed at least three (3) feet below the bottom of the rails of the track. Excavations for such underground crossings shall in no case be left open for a long period than twelve (12) hours.

TROLLEY-LINES.

SEC. 6. The foregoing rules shall not apply to the feed or trolley-wire of an electric railway, but such wires shall be placed at least twenty-two (22) feet above the top of the rails of any railway crossed thereby. They shall be carried on or supported from sound cedar trolley-poles with not less than seven-inch tops, or suitable iron trolley-poles of sufficient height and strength.

POLES, BRACES AND FASTENINGS TO BE KEPT IN GOOD CONDITION.

SEC. 7. It shall be the duty of the wire-using companies so placing wires above and over the tracks of any railroad company, and of any railroad company crossing the line of any wire-using company, to maintain their crossing-poles, wires, cross-arms, braces, pins and other appliances in first-class condition at all times.

IN SPECIAL CASES APPLICATION MAY BE MADE TO THE BOARD.

SEC. 8. In special cases, where compliance with the above and foregoing rules would work a hardship upon any company in extending its wires over or under any railroad, or of any railway company extending its wires across the line of any wire-using company, application may be made to the Board to make such order for crossing as said Board shall deem to be reasonable and just.

The above and foregoing rules and regulations shall be in full force and effect from and after this date as to all new construction, and all companies are required to change old constructions at crossings so as to comply with the foregoing rules within ninety days from this date.

Dated at the office of the Board of Railroad Commissioners, in Topeka, Kan., this 26th day of April, A..D. 1905.

PART V.

STATE RAILROAD LAWS AND RULES OF PRACTICE.

KANSAS RAILROAD LAW.

The following sections of chapter 286, Session Laws of 1901, are in full force and effect in so far as applicable, and are a part of the law of 1905, the same as is reenacted therein. (See section 15, act of 1905.)

CHAPTER 286.—SESSION LAWS OF 1901.

Approved February 26, 1901.
In effect March 29, 1901.

GENERAL STATUTES OF 1901, page 1190.

RELATING TO RAILROADS.

AN ACT concerning railroads and other common carriers, and repealing sections 1332, 1333, 1335, 1336, 1340, 1344, 1348, of the General Statutes of 1889, and all other acts and parts of acts in conflict with the provisions of this act.

Be it enacted by the Legislature of the State of Kansas:

Sections 1, 2 and 4 of chapter 286 of the Session Laws of 1901 were amended by sections 1, 2 and 4 of chapter 391, Session Laws of 1903, and were repealed by section 4 of said chapter 391.

Sections 2 and 3 of chapter 391 of the Session Laws of 1903 were amended by sections 1 and 2 of chapter 340, Session Laws of 1905. (See page 188.)

§ 5963. SEC. 3. The said Board of Commissioners shall have power to appoint a secretary and a stenographer, and to remove either at pleasure.

§ 5964. SEC. 4. Amended and repealed as above stated.

§ 5965. SEC. 5. Said Board of Commissioners shall keep an accurate record of all its official acts, and shall also provide a seal, on which shall be the impression "Board of Railroad Commissioners, State of Kansas. Seal." All process or certificates issued or given by the Board shall be attested by said seal. Copies of the record of the Board, certified by the secretary and attested with the seal of the Board, shall be received in evidence with the like effect as copies of other public records.

§ 5966. SEC. 6. Said commissioners shall keep their office in the state-house, in the city of Topeka, and they or either of them may act officially in any part of the state. They shall each receive

a salary of $2500 per annum, and the secretary shall receive a salary of $1500 per annum, and the stenographer shall receive a salary of $1200 per annum, to be paid as the salaries of other state officers are paid; and the said Board shall be provided, at the expense of the state, with necessary office furniture and stationery.

§ 5967. SEC. 7. Said commissioners shall have the general supervision of all railroads operated by steam within the state, and all express companies, sleeping-car companies, and all other persons, companies or corporations doing business as common carriers in this state; and shall inquire into any neglect or violations of the laws of this state, by any person, company or corporation engaged in the business of transportation of persons or property therein, or by the officers, agents or employees thereof; and shall also from time to time carefully examine and inspect the condition of each railroad in the state, and of its equipment, and the manner of its conduct and management with reference to the public safety and convenience.

§ 5968. *Pass.* SEC. 8. Repealed by section 18 of chapter 340, Session Laws of 1905.

§ 5969. SEC. 9. The said commissioners shall have power, in the discharge of the duties of their office, to examine any of the books, papers or documents of any such company or corporation, or to examine, under oath or otherwise, any officer, director, agent, or employee thereof, or any other person. The commissioners, or either of them, are empowered to issue subpœnas and administer oaths; and any person who may wilfully obstruct said commissioners, or either of them, in the performance of their duties, or who may refuse to give any information within their possession that may be required by said commissioners within the line of their duty, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not less than $100 nor more than $1000, in the discretion of the court; the cost of such subpœnas and investigation to be paid by the state, on the certificate of said commissioners.

§ 5970. SEC. 10. Whenever in the judgment of the Railroad Commissioners it shall appear that any railroad corporation or other transportation company fails in any respect or particular to comply with the terms of its charter or the laws of the state, or whenever in their judgment any repairs are necessary upon its road, or any addition to its rolling-stock, or any addition to or change of its stations or station-houses, or any change in its rates for transporting freight, or any change in the mode of operating its road and

conducting its business is reasonable and expedient in order to promote the security, convenience and accommodation of the public, said commissioners shall inform such corporation of the improvement and changes which they adjudge to be proper, by a notice thereof in writing, to be served by leaving a copy thereof, certified by the commissioners' secretary, with any station agent, clerk, treasurer, or any director of said corporation; and if such orders are not complied with, the said commissioners, upon complaint, shall proceed to enforce the same in accordance with the provisions of this act as in other cases. Nothing in this section nor in section 7 shall be construed as relieving any railroad company or other transportation corporation from their responsibility or liability for damages to person or property.

§ 5971. SEC. 11. Subject to such rules, regulations and restrictions as the Board of Railroad Commissioners may prescribe, any person, partnership or corporation engaged in business other than that of a common carrier may own or lease railroad-cars, and may load and bill the same to any railroad point, and all railroad companies and connecting lines to whom any such car is delivered shall receive and transport the same with all reasonable dispatch towards its destination; provided, that such cars shall be constructed in conformity to the rules and regulations of the company to which such application is made, and for such compensation as may be fixed by the commissioners; and having arrived at its destination it shall be unloaded, and shall be, unless otherwise ordered by the shipper, returned to its starting-point with like dispatch, and shall not be deviated from its route, and shall be in all respects handled the same as a car belonging to any railroad company; provided, that it may be by said railroad company reasonably loaded upon its return trip, and the owner be allowed a reasonable sum for its use; and such owner shall be responsible for all necessary repairs.

§ 5972. SEC. 12. Any person, upon written permission given by the Board, may exercise, in the same manner and to the same extent as is now enjoyed by railroad companies, the right of condemning and appropriating land and laying out and constructing any spur, switch or railroad-track thereover, and connecting the same with any railroad already constructed; and the right to use such spur, switch or track shall be public, at rates and on terms and conditions such as the Board shall prescribe, if the parties interested cannot agree; provided, that no such connection shall be made with the main track of any railroad between stations without the consent of such railroad company.

§5973. SEC. 13. Whenever in the judgment of the Board of Railroad Commissioners, it is necessary to the convenience or accommodation of the public that two or more roads that cross or run parallel with each other should connect at or near the point of crossing or places of business along such road, for the transfer of cars from one road to another, the Board may require the construction of necessary switch connections between such railroads at the points where deemed necessary in the following manner: Said Board of Railroad Commissioners shall serve upon the railroad companies whose roads it is deemed necessary to connect a certified copy of their findings and decision, in which shall be stated the character of connections to be built, whose duty it shall then be to construct such switch connections within such time as the Board shall prescribe, and the expense of the same shall be borne equally by the companies whose roads so connect or run parallel. If one of said companies shall build the whole of said switch, it may recover one-half of the cost of the same from the company whose duty it was to construct one-half of the switch. The companies whose roads so connect may operate and maintain such switch jointly. Any railroad company failing or refusing to comply with the requirements of the said Board in relation to such switch shall be subject to a penalty of $500, to be recovered in a civil action in the name of the state.

§5974. SEC. 14. Any railroad company authorized to operate a railroad in this state desiring to cross or unite its track with any other railroad upon the grounds of such other railway corporation shall make application in writing to the Board of Railroad Commissioners, stating the place of crossing or intersection; whereupon the Board of Railroad Commissioners shall fix a day for the hearing of such application, and notify the railway corporation interested, at which time, unless further time be granted by the Board, the corporations interested shall the heard in regard to the necessity, place, manner and time of such crossing or connection; and upon such hearing either party, or the Board, may call and examine witnesses in regard to the matter; and the Board shall, after such hearing and a personal examination of the locality where a crossing or connection is desired, determine whether there is a necessity for such crossing or not, and, if so, the place thereof, whether it shall be over or under the existing railroad, or at grade, and in other respects the manner of such crossing and the terms upon which the same shall be made and maintained; provided, that no crossing shall be made through the yards or over the

switches or side-tracks of any existing railroad if a crossing can be effected at any other place that is practicable. If either party shall be dissatisfied with the terms and order made by said Board of Railroad Commissioners, it may appeal to the district court of the county wherein such crossing or connection is sought to be made in the same manner as appeals are allowed from a judgment of a justice of the peace to the district court, and said appeal and all subsequent proceedings shall only affect the amount of compensation, if any, and other terms of crossing fixed by said Board, but shall not delay the making of said crossing or connection; provided, the corporation desiring such crossing or connection shall deposit with the county treasurer of the county where crossing or connection is sought to be made the amount of compensation, if any is fixed by said Board of Railroad Commissioners, and shall execute and file with said Board a bond of sufficient security, to be approved by any member of said Board, to pay all damages and comply with all terms that may be adjudged by the district court. Any railroad company which shall violate or evade any of the provisions of this section shall forfeit, for every such offense, to the person, company or corporation injured thereby, three times the actual damages sustained by the party aggrieved.

§ 5975. SEC. 15. When in any case two or more railroads crossing each other at a common grade shall, by a system of interlocking or automatic signals, or by any works or fixtures to be erected by them, render it safe for engines and trains to pass over such crossings without stopping, and such interlocking or automatic signals or works or fixtures shall be approved by the Board of Railroad Commissioners, then, in that case, it is hereby made lawful for the engines and trains of such railroad or railroads to pass over such crossing without stopping, any law or the provisions of any law to the contrary notwithstanding; and when two or more railroads cross each other at a common grade, either of such roads may apply to the Board of Railroad Commissioners for the permission to introduce upon both of said railroads some system of interlocking or automatic signals or works or fixtures rendering it safe for engines and trains to pass over such crossings without stopping, and it shall be the duty of said Board of Railroad Commissioners, if the system of works and fixtures which it is proposed to erect by said company are in the opinion of the Board sufficient and proper, to grant such permission.

§ 5976. SEC. 16. Any railroad company which has obtained permission to introduce a system of interlocking or automatic sig-

nals at its crossing at a common grade with any other railroad, as provided in the last section, may, after thirty days' notice in writing to such other railroad company, introduce and erect such interlocking or automatic signals or fixtures; and if such railroad company, after such notification, refuses to join with the railroad company giving such notice in the construction of such works or fixtures, it shall be lawful for said first company to enter upon the right of way and tracks of such second company, in such manner as to not unnecessarily impede the operation of such road, and erect such works and fixtures, and may recover in an action at law from such second company one-half of the total cost of erecting and maintaining such interlocking or automatic signals or works or fixtures on both of said roads.

§ 5977. SEC. 17. It shall be the duty of the Board of Railroad Commissioners. upon complaint and application by the mayor and council of any city, or the trustee of any township in this state, requesting an order of said Board to require any railroad company in this state to construct any depots, side-tracks, switches or other facilities at any point on the line of such railroad, for the convenience and safety of the public in the transaction of business with such railroad and the interchange of business between connecting or parallel railroads at any station, town or city in this state, to investigate such complaint, after giving proper notice to the railroad companies interested; and said commissioners, after such examination, shall make such orders as they shall deem necessary and proper in relation to the construction and maintenance of such depots, connections, switches or side-tracks as in the judgment of the said Board shall be necessary.

§ 5978. *Examination of Freight-tariff Rate.* SEC. 18. Repealed by section 18, chapter 340, Session Laws of 1905.

§ 5979. SEC. 19. In all cases where complaints shall be made in accordance with the provisions of section 18 of this act that an unreasonable charge is made, or that the rates charged for freight are unjust, unreasonable, or extortionate, and the Board shall find such complaint to be true, they shall require a modified charge for the service rendered such as they shall deem to be reasonable, and shall certifiy their findings to the managing officer of the road against which complaint is made; and the rate so determined by the Board to be reasonable shall be by the railroad company affected thereby accepted, and posted up in a conspicuous place in each depot on the line of its road that may be designated by said Board; and if any railroad company shall fail for a period of ten days to accept

such rates and post the same as herein provided in each depot on the line of its road that may be designated by said Board, then said Board shall cause the rates so determined by the Board to be reasonable to be published in the official state paper, and thereupon and after such publication such rate so found shall, in all actions arising in any court in the state, be taken to be reasonable compensation for the services for which they are provided, until the contrary is proven; and all compensation demanded or received by any such railroad company in excess of the rates so determined by the Board shall, in any such action, be taken to be unjust, unreasonable, and extortionate, until the contrary is proven. All cases of a failure to comply with the recommendation of the Board of Commissioners shall be embodied in the annual report of the Board of Commissioners to the governor, and the same shall apply to any unjust discrimination, extortion or overcharge by said company, or any other violation of this act by such company.

§ 5980. SEC. 20. No railroad company shall charge or receive a rate in excess of three cents per mile for the transportation of any passenger who is over twelve years of age upon any railroad in this state, nor in excess of half that sum per mile for the transportation of any passenger between the ages of six and twelve years. Each passenger over twelve years of age paying fare shall be entitled to have transported, without any additional charge, baggage not exceeding 150 pounds in weight; and each passenger of twelve years and under paying fare shall be entitled to have transported, without additional charge, baggage not exceeding seventy-five pounds in weight. In every case where any passenger on any railroad in this state shall fail to present to the conductor or collector upon the train a ticket for his or her journey, it shall be lawful for said railroad company to charge and collect from said passenger, in excess of the regular schedule of fare, the sum of ten cents; provided, however, in such case the conductor or collector shall thereupon issue to the passenger paying the excess of fare a receipt or check for such excess, which amount shall be refunded to such passenger on presentation of such receipt or check to any regular ticket agent of said railway company.

§ 5981. SEC. 21. No railroad company shall charge, demand or receive from any person, company or corporation an unreasonable price for the transportation of persons and property, or for the hauling or storing of freight, or for the use of its cars, or for any privilege of its service afforded by it in the transaction of its busi-

ness as a railroad company; and upon complaint in writing made to the Board of Railroad Commissioners that an unreasonable price has been charged, such Board shall investigate said complaint, and if sustained, shall make a certificate under their seal setting forth what is a reasonable charge for the service rendered, which shall be *prima facie* evidence of the matter therein stated.

§ 5982. *Furnish Shippers with Cars.* SEC. 22. Amended by section 1 of chapter 345 of Session Laws of 1905.

§ 5983. SEC. 23. If complaint shall be made by any railroad company in this state against any other railroad company in this state on account of failure, neglect or refusal to comply with the provisions of the preceding section, the Board of Railroad Commissioners shall, upon notice to said railroad company, investigate such complaint, and thereupon make such order as in the opinion of said Board shall be just and reasonable for the public interests, and may fix in such order a reasonable switching charge for any service required by such order, which switching charge shall be paid by the railroad company receiving the service, and shall not be added to the rate paid by any consignor or consignee interested in such shipment.

§ 5984. SEC. 24. Neither said Board of Railroad Commissioners nor any railroad company shall raise the charge for the transportation of freight on any railroad without first giving sixty days' public notice of such change, in such manner as the commissioners may determine.

§ 5985. SEC. 25. No railroad company shall charge, demand or receive from any person, company, or corporation, for the transportation of any property, or for any other service, a greater or less sum than it shall at the same time charge, demand or receive from any other person, company or corporation for a like service from the same place, or upon like conditions and under similar circumstances; and all concession of rates, drawbacks and contracts for special rates shall be open to and allowed all persons, companies and corporations alike; nor shall it charge more for transporting freight from any point on its line than a fair and just proportion of the price it charges for the same kind of freight transported from any other point; nor shall it be lawful to charge a greater freight rate to haul any class of goods for a shorter distance than for a longer one in the same general direction under like conditions, and over the same system of road in Kansas, except by the consent of the commissioners.

§ 5986. SEC. 26. It shall be unlawful for any railroad company to make any contract or enter into any stipulation with any other railroad company running in the same general direction by which either company shall, directly or indirectly, agree to divide, in any manner or proportion, the joint earnings upon the whole or any part of the freight transported over such road; and any violation of this provision shall render the railroad company violating the same liable to a penalty of $5000 for each month for which said earnings are divided, to be recovered for the use of the common-school fund, in the name of the state.

§ 5987. SEC 27. No railroad company shall be permitted, except as otherwise provided by regulation or order of the Board, to change or limit its common-law liability as a common carrier. All railroad companies shall, on demand, issue duplicate freight receipts to shippers, in which shall be stated the class or classes of freight shipped, the freight charges over the road giving the receipt, and, so far as practicable, shall state the freight charges over the other roads that carry such freight. When the consignee presents the railroad receipt to the agent of the railroad that delivers such freight, such agent shall deliver the articles shipped, on payment of the rate charged for the class of freights mentioned in the ceipt.

§ 5988. SEC. 28. Said commissioners shall, on or before the first Monday in December in each year, make a report to the governor of their doings for the preceding year, containing such facts, statements and explanations as will disclose the working of the system of railroad transportation in this state, and its relations to the general business and prosperity of the citizens of the state, and such suggestions and recommendations in respect thereto as may seem appropriate. Said report shall also contain, as to every railway corporation doing business in this state—

First, The amount of its capital stock.

Second, The amount of its preferred stock, if any, and the condition of its preferment.

Third, The amount of its funded debt, and the rate of interest.

Fourth, The amount of its floating debt.

Fifth, The cost and actual present cash value of its road and equipment, including permanent way, buildings, and rolling-stock, all real estate used exclusively in operating the road, and all fixtures and conveniences for transacting its business.

Sixth, The estimated value of all other property owned by such

corporation, with a schedule of the same, not including lands granted in aid of its construction.

Seventh, A list of all its officers and directors, with their respective places of residence.

Eighth, Such statistics of the road and of its business for the year as may in the judgment of the commissioners be necessary and proper for the information of the legislature, or as may be required by the governor.

Ninth, The average amount of tonnage that can be carried over each road in the state with an engine of given power.

Such report shall exhibit and refer to the condition of such corporation on the 1st day of July of each year, and the details of its business transacted during the year ending June 30.

§ 5989. SEC. 29. To enable said commissioners to make such report, the president or managing officer of each railroad or transportation company doing business in this state shall annually make to the said commissioners, on the 15th day of September of each year, such returns, in the form which they may prescribe, as will afford the information required for their said official report. Such returns shall be verified by the oath of the officer making them; and any corporation herein named whose returns shall not be made as herein prescribed by the 15th day of September shall be liable to a penalty of $100 for each and every day after the 16th day of September that such returns shall be wilfully delayed or refused.

§ 5990. SEC. 30. Any person who shall wilfully and corruptly swear, testify or affirm falsely to any material matter, upon any oath or affirmation or declaration legally administered in any cause, matter or proceeding before said Board or any member thereof, or in any return, answer or report required by this act to be made, shall be deemed guilty of wilful and corrupt perjury, and shall be punished by imprisonment in the Penitentiary at hard labor for a term not exceeding seven years.

§ 5991. SEC. 31. The Board of Railroad Commissioners shall enforce its orders for the erection and maintenance of depots, the construction of connections, side-tracks, and switches, and charges for switching between connecting or parallel lines of railroad, as hereinbefore provided for, as provided in the next section.

§ 5992. SEC 32. For every neglect or refusal of any railroad company, corporation, receiver or person operating any railroad in this state to comply with any order of the Board of Railroad Commissioners of this state made in pursuance of the foregoing provisions, the person or corporation so neglecting or refusing shall forfeit

to the state of Kansas, for the benefit of the school fund, the sum of $100 for each and every day that any such order is neglected or disobeyed after the expiration of thirty days from the date of service of notice on the president, managing officer, superintendent, any member of the board of directors or any station agent or person in charge of any office or station of such company by the Board of Railroad Commissioners of the making of such order, to be recovered by civil action in the name of the state, which action shall be prosecuted by the attorney-general in any county having jurisdiction; provided, that upon good cause shown the Board of Railroad Commissioners may extend the time within which such order shall be complied with to such an extent as, in the opinion of the Board, under the circumstances of the particular case, may be necessary or desirable.

§ 5993. SEC. 33. Any railroad company which shall violate any of the provisions of this act shall forfeit, for every such offense, to the person, company or corporation aggrieved thereby, three times the actual damages sustained by the said party aggrieved, together with the cost of suit, and a reasonable attorney fee, to be fixed by the court; and if any appeal be taken from the judgment or any part thereof, it shall be the duty of the appellate court to include in the judgment an additional reasonable attorney's fee for services in the appellate court or courts.

§ 5994. SEC. 34. Any railroad company or individual wilfully violating or evading any of the provisions of this act not otherwise herein provided for shall, for each offense, forfeit and pay a penalty of not less than $100 nor more than $5000. All penalties provided for in this act shall be recovered by a civil action, to be instituted and prosecuted in the name of the state, by the county attorney of the county in which the offense has been committed, upon the direction of the Board of Railroad Commissioners. If upon the trial of said action the jury shall find for the plaintiff, they shall assess and return with their verdict the amount of the fine to be imposed upon the defendant, and the court shall render judgment accordingly. All such penalties so recovered shall be paid into the school fund of the county in which such offense has been committed, and the Board of Railroad Commissioners may require the attorney-general to assist such county attorney in the prosecution of such action. No bond for costs shall be required of the state in any such action.

§ 5995. SEC. 35. Nothing in this act shall be construed to estop or hinder any person or corporation from bringing suit against any

such railroad company for any violation of any of the laws of this state for the government of railroads.

§ 5996. SEC. 36. In any action against any railroad company for violations of the provisions of this act, the plaintiff may join in the same petition as many different causes of action as he may have against such company arising under this act.

§ 5997. SEC. 37. In construing this act, unless such meaning be repugnant to the context or the manifest intention of the legislature, the term "railroad company" shall include and be construed to mean any incorporated railroad company, or any express or transportation company or other common carrier, or any railroad-bridge company, or any person or persons, lessee, assignee, trustee, receiver, partnership, joint-stock company or corporation, engaged wholly, partially, jointly or severally in laying out, constructing owning, operating, using or maintaining any railroad operated by steam, or any portion or part of such railroad line. The word "person" shall include persons, partnerships, joint-stock companies or corporations.

§ 5998. SEC. 38. It shall be the duty of every railroad company, and each and every officer, agent, and employee of any railroad company, and of each and every person engaged in any capacity in the conduct of the business of a common carrier, to obey all reasonable orders of the Board of Railroad Commissioners made under the authority conferred by this act. In case any railroad company, or any such officer, agent, employee, or person, shall violate or shall refuse or fail to obey any such order lawfully made by said Board of Railroad Commissioners, any person aggrieved thereby may institute and prosecute mandamus proceedings in the supreme court, in the name of the state on the relation of such person, to compel compliance with and obedience to such order; and in any case where, in the opinion of the Board of Railroad Commissioners, the interest of the public requires it, such Board shall require such proceedings to be brought, and such proceedings shall then be brought by the attorney-general in the name of the state. The practice in such proceedings shall be as in other cases of mandamus, but the court may control the time of trial without regard to the time the issues are joined. Cases instituted under the provisions of this section may have precedence as to the time of hearing over all other classes of cases except criminal cases. The supreme court shall have discretionary authority to refer any of the issues in any such proceeding to a referee or referees to be appointed by the court for such hearings and findings, and under such rules as the court

may direct. In any hearing under the provisions of this section, the orders and determinations of the Board of Railroad Commissioners shall be deemed *prima facie* evidence of the matters therein stated and found. In such action the court may direct the railroad company affected thereby to comply with any part of any rule, order or regulation of the Board, and may hold any part of same unreasonable, and refuse to enforce such part, without affecting the part found to be reasonable and just. Disobedience of any judgment, order or writ of the supreme court in any such proceedings shall be punished as in other cases of contempt. The proceedings in cases of contempt shall be summary in their nature, under such rules as the court shall adopt, and no jury trial shall be required or had therein. In addition to the general powers of the court to punish for contempt, the court shall have power to punish any refusal or failure to obey its orders, made under the provisions of this section, by a fine of not to exceed $1000 for each day after a day to be fixed by the court that such disobedience shall continue, or by imprisonment not exceeding one year, or by both such fine and imprisonment. In any proceeding instituted under the provisions of this section by the attorney-general, the costs and expenses on the part of the plaintiff shall be paid out of the general fund of the state, upon approval by the governor, attorney-general, and auditor of state. The remedies provided by this section shall not be deemed to exclude or limit any other remedies provided in this act or existing in virtue of any other statutes or common law, but shall be additional thereto.

§5999. SEC. 39. Said Board of Railroad Commissioners shall not make any regulation, order, finding or decision against any railroad company or enter into any investigation affecting any railroad company without giving such railroad company reasonable notice thereof and an opportunity to appear and be heard in respect to the same; and if any railroad company shall be dissatisfied with any regulation, order, finding or decision adopted by said Board of Railroad Commissioners, such dissatisfied railroad company shall have the right, within thirty days after the making or entering thereof, to bring an action against said Board of Railroad Commissioners as defendants in any court of competent jurisdiction to have such regulation, order, finding or decision vacated, and shall set forth in the petition the particular regulation, order, finding or decision complained of and the particular cause or causes of objection to any or all of them, and a summons shall be served upon the secretary of said Board as in other cases. Issues shall be formed and

the controversy tried and determined as in other civil cases of an equitable nature; and said court may set aside, vacate or annul one or more or any part of any of the regulations, orders, findings or decisions adopted by the said Board which shall be found to be unreasonable, unjust, oppressive or unlawful without disturbing others. Either party to said cause, if dissatisfied with the judgment or decree of said court, may institute proceedings in error in the supreme court as in other civil cases, and said court shall examine the record, including the evidence, and render such judgment as shall be just and proper in the premises. In all litigation under this section, the said Board shall be entitled to the services of the attorney-general in their behalf, and costs incurred by them shall be paid by the state. All actions brought under this section shall be advanced upon application of either party thereto, and in the hearing thereof shall have precedence over all other cases, except criminal cases, to the end that the same may be speedily heard and finally determined. The institution of any such action by any railroad company shall in no manner interfere with or prejudice the rights of said Board or any other parties in interest from availing themselves of the remedies provided in section 38 [5998] of this act; but whenever action shall be brought by any railroad company under the provisions of this section within the said period of thirty days, no penalties or forfeitures shall attach or accrue on account of failure of the plaintiff to comply with the regulation, order, finding or decision sought to be vacated or modified in such action until the validity of such regulation, order or finding or decision shall have been finally determined in such action, or shall have been finally determined by the supreme court of Kansas, in any proceeding to which said railroad company is a party. Whenever a proceeding brought in the supreme court under section 38 of this act by the attorney-general upon the direction of the Board of Railroad Commissioners against any railroad company to compel the compliance with any order of said Board of Railroad Commissioners shall be pending at the same time with an action brought in any district court of the state by such railroad company to vacate such order, the supreme court, upon such fact being made to appear, may stay all proceedings in said district court in said cause, so far as relates to the subject-matter involved in such proceeding in the supreme court, until the final determination thereof by the supreme court; and if said proceedings in the supreme court result in a final decision upon the merits, determining the question of the validity of such order, said district court, upon such fact be-

ing made to appear, shall render judgment in accordance with such decision of the supreme court.

§6000. *Repeal.* SEC. 40. Sections 1332, 1333, 1335, 1336, 1340, 1344 and 1348 of the General Statutes of 1889, and all other acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

CHAPTER 391.—SESSION LAWS OF 1903.

Approved March 18, 1903.
In effect March 23, 1903.

RELATING TO RAILROAD COMMISSIONERS.

AN ACT to amend sections 1 and 2 and 4 of chapter 286 of the Session Laws of 1901, and to repeal the sections amended.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Section 1 of chapter 286 of the Session Laws of 1901 is hereby amended so that it shall read as follows: Section 1. A State Board of Railroad Commissioners is hereby created, to consist of three competent persons, and said Board shall be elected and shall have powers as hereinafter provided.

SEC. 2. Amended by section 1 of chapter 340 of Session Laws of 1900.

SEC. 3. Amended by section 2 of chapter 340 of Session Laws of 1900.

SEC. 4. Sections 1 and 2 and 4 of chapter 286 of the Session Laws of 1901 are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 340.—SESSION LAWS OF 1905.

Approved March 7, 1905.
Published March 21, 1905.

AMENDING GENERAL RAILROAD LAW.

AN ACT concerning railroads and other common carriers, amending and repealing sections 2 and 3 of chapter 391 of the Session Laws of 1903, amending section 18 of chapter 286 of the Session Laws of 1901, and repealing sections 8 and 18 of said last-named chapter.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 2 of chapter 391 of the Session Laws of 1903 be amended so as to read as follows: Sec. 2. The said Board of Railroad Commissioners shall be elected at each general biennial election in the same manner as other state officers are

elected, and shall take office on the second Monday in January after their election; provided, that in case of a vacancy in said Board the governor shall appoint some suitable person to fill such vacancy.

SEC. 2. That section 3 of chapter 391 of the Session Laws of 1903 be amended to read as follows: Sec. 3. No person owning any bonds, stock or property in any railroad company, or who is in the employment of or who is in any way or manner pecuniarily interested in or otherwise obligated in any way to any railroad company, shall be eligible to the office of railroad commissioner, attorney for the Board, secretary or stenographer to said Board. Said Railroad Commissioners shall be qualified electors of the state and shall not hold any other office under the government of the United States or of this state, and shall not, while such commissioners, engage in any occupation or business inconsistent with their duties as such commissioners. Said commissioners, attorney for the Board, secretary and stenographer shall be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. Each of said commissioners shall enter into bond, with security to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties.

SEC. 3. Any member of said Board, while acting in the performance of his official duties, together with such attorney for the Board, secretary, stenographers, accountant, expert or other agent whose services said Board may deem to be important in the discharge of their duties shall have the right of passing at all times over all the roads and on all railroad-trains or any part thereof in this state free of charge. It shall be unlawful for any commissioner, attorney for the Board, secretary or employee of said Board to receive or apply for any free transportation, or reduced rates for transportation, from any railroad company or other common carriers, their agents, servants, or employees, for any other person, during the term of his office or employment, and any person violating the provisions hereof shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars nor more than one thousand dollars; and upon conviction of any commissioner of such violation the governor shall declare his office vacant and shall appoint his successor thereto. Each commissioner, attorney for the Board, secretary, stenographer and employee shall be entitled to receive from the state his actual necessary expenses while absent from the city of Topeka on official business, which amount shall be paid by

the treasurer of state on the order of the state auditor, an itemized sworn statement thereof having been first filed with the secretary of the Board and approved by the Board. No member of said Board nor the attorney of said Board shall ask or receive from any person, firm or corporation any other pay or emolument of any kind for services herein except the salaries provided for in this act.

Sec. 4. The power and authority is hereby vested in the Board of Railroad Commissioners, and it is hereby made its duty, to supervise all railroad freight and passenger schedules of rates, tariffs, and classifications, and all rules and regulations governing car service, the transfer and switching of cars from one railroad to another at junction points or where entering the same city or town, all charges to be made therefor, as well as the rules and regulations adopted by any railroad company for the operation of its road in the running of trains. It shall be the duty of said Board, from time to time, to alter, change or amend any such schedule, classification, rate, rule or regulation established by any railroad company or companies which the Board, upon complaint as hereinafter provided, may find to be unreasonable, unjust, or discriminative; and such amended, altered or new schedule, classification or rate, rule or regulation shall be put into effect by such railroad company or companies within not more than thirty days after receiving written notice of the order of the Board; provided, that before such order is made by the Board, notice and a hearing shall be given, as required by section 9 of this act.

SEC. 5. If any two or more railroad companies having connecting lines of road shall fail to agree upon a fair and just division of the charges arising from the transportation of freights, passengers or cars over their lines, the commissioners shall fix the *pro rata* part of such charges to be received by each of said connecting lines.

SEC. 6. The Board of Railroad Commissioners shall have power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings held by the Board under the authority conferred upon it by this act or by the act to which this is supplemental; provided, no person desiring to be present at any such investigation or hearing by said Board shall be denied admission. The attorney-general, when requested, shall give the Railroad Commissioners or the attorney for the Board such counsel or advice as they or the attorney for the Board may from time to time require; and it is hereby made his duty to aid and assist them and said attorney for the Board in all hearings,

suits and proceedings in which said commissioners or attorney for the Board may request his assistance.

SEC. 7. The Board of Railroad Commissioners shall have power, and it is hereby made its duty, to investigate all through freight rates on railroads in Kansas; and when the same are, in the opinion of the Board, excessive, or levied in violation of the interstate-commerce law or the rules and regulations of the Interstate Commerce Commission, the officials of such railroad shall be notified of the facts and requested to reduce the rates, or make the proper corrections, as the case may be. When the rates are not changed or the proper corrections are not made, according to the request of the Board of Railroad Commissioners, the latter shall notify the Interstate Commerce Commission and apply to it for relief.

SEC 8. Within thirty days after the taking effect of this act, all railroads doing business in the state of Kansas, and to which any of the provisions of this act apply, shall furnish the Board of Railroad Commissioners copies of all of their schedules of rates, charges and classifications of freight, joint tariffs, and divisions of rates; and shall, in addition thereto, furnish said Board with copies of all rules and regulations concerning the switching or transfer of freight and cars, and of rules providing charges therefor, and copies of all rules, orders or schedules fixing or providing for mileage, per diem, demurrage or storage charges, or for use of cars, loaded or empty, and of printed rules governing the action of employees in operating trains engaged in switching, passenger or freight traffic; and upon the adoption of any new classification, schedule of rates, rules or orders by any such railroad company, it shall, within ten days thereafter furnish said Board with copies thereof; and the failure of any railroad company to which any of the provisions of this act apply to furnish any of the things above provided, within the time specified, shall subject such railroad company to a fine of not less than one hundred dollars nor more than one thousand dollars for each day that such failure and neglect shall continue, and each day of such continuance shall constitute a separate offense.

SEC. 9. That section 18 of chapter 286 of the Session Laws of 1901 be amended so as to read as follows: Sec. 18. It shall be the duty of said Board of Railroad Commissioners, upon the complaint of any person, firm, or corporation, or the mayor of any city, or the attorney for the Board, setting forth that the freight tariffs put into effect by any railroad company, or any freight charges or classifications made by such company, or any rules or regulations as to the handling of cars, the running of trains, or other matter con-

cerning such company in the operation of its road, are unreasonable, or discriminative, or violative of the laws of Kansas or of the order of said Board, to make an immediate examination of such complaint, and forthwith notify the company complained against of the filing thereof. If the matters complained of are not rectified within ten days after such complaint was filed, the Board shall set down the complaint for hearing at a specified time and at such place as the Board may designate. Before proceeding with such hearing the Board shall give to the complainants and railroad company ten days' notice in writing of the time and place of entering upon same. Such complaint shall be heard in an informal manner, without further pleadings, and under such rules and regulations as the Board may from time to time provide in order to secure a speedy hearing and an equitable determination of the questions involved. The attorney for the Board of Railroad Commissioners shall appear at such hearing on behalf of the complainant or complainants, and the complainant or complainants may, if they desire, employ other counsel to assist in the preparation and hearing of any such complaint. If upon such hearing it shall appear to said commissioners that the complaint is well founded, and that any material matters alleged are true, they shall so adjudge, and shall find and decide what are reasonable tariff charges, classifications, rules or regulations respecting the matters involved, and respecting the same matters on the entire line of such railroad in this state. When a complaint has been made which involves general rates or classification, or general rates on certain commodities, the commissioners shall investigate and determine all matters so involved without regard to the subsequent action of the complainant or the withdrawal of the complaint. And whenever the Board of Railroad Commissioners shall decide what is a reasonable charge for any freights, based on the classification existing at the time of such decision, such rates and classification and all rates and classifications now in effect shall not be altered thereafter without the consent of the Board, so as in effect to increase such charge as to any class of goods, but such desision as to what is a reasonable charge shall be determined according to the classification existing when the decision was made. If any railroad company shall make, charge, or receive from any shipper a less rate for the transportation of freight than the rate authorized by the Board of Railroad Commissioners, it shall make the same lesser rate to all persons for like contemporaneous services in the transportation of like kinds of freight under substantially similar circumstances and conditions; and in case any

such company shall make, charge or receive any such lesser rate from one person and a greater rate from another person, the latter may sue and recover the difference between the rate paid by him and such lesser rate, together with reasonable attorney fees for recovering the same, in any court of competent jurisdiction. In case any railway company shall charge and receive any rate for the transportation of freight in excess of the rate authorized by the Board of Railroad Commissioners, and if the rate authorized by the Board of Railroad Commissioners shall be reasonable and just, then said railroad company shall repay the amount so charged or received in excess of the rate fixed by the Board of Railroad Commissioners, on demand therefor; and in case of failure to repay any such amount within thirty days after such demand, the amount thereof may be recovered, together with reasonable attorney fees, in an action brought for that purpose in any court of competent jurisdiction; provided, that if such railroad company shall, within thirty days after such decision or determination by said Board, bring suit to test the reasonableness of such rates, no suit shall be brought for said excess until said rates have been adjudicated.

SEC. 10. Each witness who shall appear before the Board, or any member thereof, in answer to a subpœna, shall receive for his attendance one dollar and a half per day and five cents per mile, traveled by the nearest practicable route, in going to and returning from the place where the witness is directed to appear, which shall be ordered paid by the auditor of state when the state is liable therefor, who shall draw and deliver his warrant upon the state treasurer to such witness for such amount, upon the presentation of proper vouchers, sworn to by such witness and approved by the chairman of the Board. In case any witness shall fail or refuse to obey a subpœna, said Board or any member thereof may apply to any district court or judge thereof for an order and an attachment for said witness, directed to any sheriff of the state of Kansas, and which said court or judge may issue, and compel him to attend before the Board, or any member thereof, and give his testimony and answer any question upon such matters as shall be lawfully required of him. If a witness, after being duly summoned and ordered by any such court or judge, shall fail or refuse to attend, or to answer any question propounded to him, and which he would be required to answer if in a court, such court or judge shall have the power to fine and imprison such witness for contempt. The claim that any such testimony may tend to criminate the person giving it shall not excuse such witness from testifying, but such evidence or testimony shall not be

used against such person on the trial of any criminal proceeding, nor shall he be liable to criminal prosecution for or on account of any transaction, matter or thing concerning which he may so testify; provided, that the Board shall in all cases have the right in its discretion to issue proper process and take depositions, instead of compelling personal attendance of witnesses, as depositions are taken in civil cases. The sheriff executing any process under the provisions of this section, or under any other provisions of this act, shall receive such compensation as may be allowed by the Board, not to exceed fees now prescribed by law for similar service in civil cases. The Board is authorized to tax all costs of hearings to parties or the state, as in its judgment shall be just.

SEC. 11. Upon application of any person, the Board shall furnish, free, certified copies of any classification, rates, rules, regulations, or orders; and such certified copies, or printed copies published by authority of the Board of Railroad Commissioners, shall be admissible in evidence in any suit, and sufficient to establish the fact that in any charge, rate, rule, order or classification therein contained, and which may be in issue in the trial, is the official act of the Board of Railroad Commissioners; and such determinations and orders of the Board shall be *prima facie* evidence, in any action in which they are offered, of the reasonableness and justness of the classifications, rates and charges involved therein and of all other matters therein found and determined; and after the lapse of thirty days from the time such determinations and orders shall be made, no suit then pending to set the same aside, and they remaining in full force and effect, such determinations and orders shall be held to be conclusive as to the matters involved therein. A substantial compliance with the requirements of this act shall be sufficient to give effect to all determinations and orders made and established by the Board.

SEC. 12. Nothing herein or in the act to which this is supplemental shall prevent the carriage, storage or handling of freight free or at reduced rates for the state, or for city, county or town government, or for charitable purposes, or to and from fairs and expositions for exhibition thereof, or the free carriage of destitute and indigent persons, or the issuance of mileage or excursion passenger tickets; nor to prevent railroads from giving special rates or free transportation to the officers and members of the Kansas National Guard, to ministers of religion, inmates of hospitals, eleemosynary or charitable institutions, or any railroad officers, agents, employees, attorneys, witnesses attending court or before the com-

missioners on behalf of such railroad company, stockholders, or directors.

SEC. 13. It shall be unlawful, and a violation of this act, for any railroad company to change the classification of its freights, or to raise the charges therefor, without first having obtained an order from said commissioners permitting such; provided, that nothing in this act shall be construed to prevent the railroads, with the consent of the said commissioners, from declaring and making emergency rate or rates for a limited time. All notices given by the Board of Railroad Commissioners to any railroad company may be served by delivering a copy to any station agent, clerk, treasurer or director of such corporation.

SEC. 14. The provisions of this act shall be construed to apply to and affect only the transportation of passengers, freight, express matter and cars between points within this state, by railroad and express companies and all other common carriers, not including street-railway companies.

SEC. 15. All the provisions of chapter 286 of the Session Laws of 1901, including all penalties and remedies in case of violations of law or of the orders of the Board, in so far as applicable, shall apply to this act the same as if said provisions had been reenacted herein.

SEC. 16. It shall be unlawful for any railroad company or other common carrier to grant, or for any consignee or consignor to receive, any rebate or drawback, or enter into any arrangement whereby such consignee or consignor shall, directly or indirectly, receive a lower rate for transporting freight than the rate fixed by the orders of this Board or the published schedules of such railroad company. It shall be unlawful for any railroad company or other common carrier to grant any special privileges to any person, firm, or corporation, either in the way of a preference in furnishing cars, side-track facilities, sites for elevators, mills, or warehouses, or any other form of preference, privilege, or discrimination. It shall be unlawful for any railroad company or other common carrier, or any agent or employee thereof, or for any person, firm or corporation to enter into any secret agreement with any firm, person or corporation for the purpose of giving any firm, person or corporation any special privileges, favors or discriminations in favor of such firm, person, or corporation.

SEC. 17. The office of the attorney of the Board of Railroad Commissioners is hereby created. He shall be appointed by the governor and shall hold his office for the period of two years, and shall

have a salary of $2500 per annum. It is hereby made the duty of such attorney to make a special study of the railroad laws of this and other states and the interstate-commerce act, and to act as counsel for the Board of Railroad Commissioners; to prosecute and defend all suits and proceedings in behalf of the state, in the name of the state, in connection with the acts of the said Board, and on behalf of parties complaining of unjust discrimination by the railroad or other violation of this act; and he shall, when he believes that any rate or charge made by any railroad company is unjust, unreasonable, or discriminative, and whether such rate or charge is local, special, or general, give notice and complaint thereof in writing to the Board of Railroad Commissioners, and said Board shall thereupon proceed to consider and determine such complaint; and to perform such other duties as the attorney-general may direct, when not engaged in the duties hereinbefore prescribed.

SEC. 18. That sections 8 and 18 of chapter 266 of the Session Laws of 1901 and sections 2 and 3 of chapter 391 of the Session Laws of 1903 are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 315.—SESSION LAWS OF 1905.

Approved February 22, 1905.
Published February 28, 1905.

RELATING TO TRANSPORTATION OF OIL BY PIPE-LINES.

AN ACT relating to the transportation of oil by means of pipe-lines.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. All pipe-lines laid, built or maintained for the conveyance of crude oil within the state of Kansas are hereby declared to be common carriers, and said conveyance of said oil shall be in the manner and under the restrictions in this act provided.

SEC. 2. It shall be the duty of every person, firm, association or corporation operating such pipe-line to provide suitable and necessary receptacles for receiving such oil for transportation and for storage at the place of delivery until the same can be reasonably removed by the consignee, and shall be liable therefor from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment and ready for delivery to the consignee. It shall be the duty of every such person, firm, association or corporation to receive and forward such oil as shall be offered for shipment, in the order of

application therefor, upon the applicant's complying with the rules herein provided for as to delivery and payment for such transportation. Such common carrier shall issue to the shipper a certificate showing the actual quantity and specific gravity thereof. But no application for such transportation shall be valid beyond or for a greater quantity than the applicant has ready for delivery at the time of making such application.

SEC. 3. It shall be unlawful for any such person, firm, association or corporation to charge for the transportation of such crude oil through its line in excess of the following rates for each barrel of forty-two gallons transported: Six miles and less, five cents; over six miles and not more than fifteen miles, six cents; over fifteen miles and not more than forty miles, seven cents; over forty miles and not more than eighty miles, eight cents; over eighty miles and not more than one hundred miles, ten cents; over one hundred miles and not more than one hundred and fifty miles, fifteen cents; over one hundred and fifty miles and not more than two hundred miles, twenty cents; over two hundred miles and not more than two hundred and fifty miles, twenty-three cents; over two hundred and fifty miles and not more than three hundred miles, twenty-five cents.

SEC. 4. The State Board of Railroad Commissioners shall have the general supervision and control over all such persons, firms, associations or corporations in the performance of said business, and shall prescribe reasonable rules for the conduct thereof, which rules, when prescribed and delivered in writing to any such person, firm, association, or corporation, shall be printed and posted up in a convenient, accessible and conspicuous place in each office, station or place of business where such oil is received or delivered. The State Board of Railroad Commissioners is hereby authorized to prescribe reasonable maximum rates, not exceeding the rates set forth in section 3 hereof, which shall be charged for the transportation of such oil, which rate shall be binding on every such person, firm, association, or corporation, after its publication in the official state paper; provided, the reasonableness of such rates may be tested by proceedings therefor in any court of competent jurisdiction in this state, and such court shall, upon hearing the same, make such order as shall be proper, and such order may be reviewed by the supreme court as other civil proceedings, regardless of sum or value involved; provided, before beginning such proceedings in court to test such matters, such person, firm, association or corporation shall execute a bond to the state of Kansas in

such reasonable sum as the judge of the court in which such matter is brought shall order, conditioned that the person, firm, association or corporation making such application will promptly pay to any shipper the difference between the rate received for transporting oil and the rate finally ordered by such court. When such maximum rates shall be fixed by the State Board of Railroad Commissioners the rates prescribed in section 3 of this act shall cease to be of force, and the rates so fixed by the State Board of Railroad Commissioners shall govern, as in this section provided.

SEC. 5. Any such person, firm, association or corporation which shall fail or refuse to accept, transport and deliver oil when offered up to the full capacity of such pipe-line, at rates not to exceed those provided for in this act, or shall fail, neglect or refuse to obey any rule so established by the State Board of Railroad Commissioners, shall be liable to the person injured by such failure or refusal in the sum of five hundred dollars liquidated damage, together with reasonable attorney's fees, to be fixed by the court, in case suit shall be brought therefor; such liquidated damages and attorney's fees to be recovered in any court of competent jurisdiction; and in case of any corporation so refusing or failing, the Charter Board is hereby authorized to revoke the charter or permit to do business in this state of such corporation.

SEC. 6. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 350.—SESSION LAWS OF 1905.

Approved March 9, 1905.
Published March 23, 1905.

CONCERNING SIDE-TRACKS TO ELEVATORS, MILLS, ETC.

AN ACT to provide for the construction of side-tracks and switches upon the right of way of railroad companies to grain elevators or flouring-mills, warehouses and manufactories located on lands adjacent to the right of way of any railroad company in this state, or in lieu thereof for the construction and maintenance of such buildings on the right of way of such railroad company.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any person, firm or corporation desirious of erecting and operating or who has erected a grain elevator of not less than 10,000 bushels' storage capacity, or flouring-mill of not less than fifty barrels per twenty-four hours, on lands adjacent to the right of way of any railroad company in this state, at or in the immediate vicinity and not to exceed more than one-fourth of a mile of

any regular way station of such railroad, shall have the right to demand of such railroad company that it designate the location of a side-track over its right of way from the site of said proposed elevator or flouring-mill which it will agree to construct and connect with a switch with any side-track of such railroad at a point within a reasonable distance from such way station and from the site of said proposed elevator or mill, and that it designate the terms and conditions upon which it will construct, maintain and operate such side-track after the erection and completion of said elevator or mill.

SEC. 2. The demand provided for in the first section of this act shall be in writing, shall designate the proposed location of said grain elevator or flouring-mill, and shall be delivered to the station agent of the railroad company at the station in whose immediate vicinity such grain elevator or flouring-mill is proposed to be erected, or if the railroad company has no agent at such station, then the notice shall be delivered to its station agent located nearest to the place of the proposed erection of such elevator or mill.

SEC. 3. The demand hereinbefore provided for shall be accompanied by a deposit of twenty-five dollars, which shall be applied by the railroad company as a payment on the amount of the compensation to which it shall become entitled under the terms of this act, and which shall be forfeited to the company in the event of the failure of the party making such demand to erect a grain elevator or flouring-mill.

SEC. 4. It shall be the duty of the railroad company upon whom the demand hereinbefore provided for shall be made, within thirty days thereafter, to place in the hands of its agent at the station when such demand is made a written designation of the location of the side-track which it shall agree to construct in accordance with such demand, and the terms and conditions upon which it will agree to construct, operate and maintain such side-track; provided, however, the railroad shall not be required to make such written designation in case it shall elect to grant a permit to the party making such demand to erect an elevator or mill upon its right of way, as hereinbefore provided for. Such written designation so deposited with the station agent shall be delivered by him to the party or parties who shall have previously made the written demand hereinbefore provided for, on request of such party or parties therefor.

SEC. 5. It shall be the duty of the railroad company, immediately after the elevator or mill referred to in the written demand

hereinbefore provided for shall have been erected, and the manner and terms and conditions on which the switch referred to in such demand shall be located, constructed, maintained and operated shall have been agreed upon between the railroad company and the party or parties erecting such elevator or mill, or shall have been fixed by the Board of Railroad Commissioners of this state, as provided for by section 6 of this act, to construct such side-track and switch, and such side-track and switch shall at all times be under the control and management of and be kept in repair and be operated by the railroad company constructing or owning the same, and used for the business of such grain elevator or flouring-mill for whose use the same may have been constructed, upon such terms and conditions as may be agreed upon by the owner or owners of such elevator, warehouse, mill or manufactory and the railway company building such side-track and switch, or, in case of failure to make such agreement, upon such terms and conditions as are imposed by the Board of Railroad Commissioners, as provided in section 6 of this act.

SEC. 6. In case the person or persons or corporation making the demand hereinbefore provided for and the railroad company of which the demand is made cannot agree upon the location of such side-track and switch, or upon the terms and conditions upon which the same shall be constructed, maintained, and operated, or in case the railroad company shall fail to deposit its written designation with its station agent, or such station agent shall fail to deliver the same to the party or parties making request therefor, as provided by section 4 of this act, either party may apply to the Board of Railroad Commissioners of this state, which is hereby authorized and required, after hearing the parties, to fix the location and the terms and conditions upon which such railroad company shall be compelled to locate, build, maintain and operate such side-track and switch, and the decision of the Board of Railroad Commissioners in relation thereto shall be accepted and received as an administrative order of said Board of Railroad Commissioners, shall have the same legal effect and be enforced as all other administrative orders of said Board made pursuant to paragraph 5998, General Statutes of Kansas of 1901.

SEC. 7. In case the railroad company shall elect so to do, it may, instead of making the designation provided for in section 4 of this act, designate a suitable location on its right of way adjacent to one of its side-tracks at the station in whose vicinity the party or parties making a written demand as hereinbefore provided for shall

desire to erect a grain elevator or flouring-mill at which it will permit the party making such a demand to erect such elevator or mill; such election shall be in writing, shall be delivered to the agent of the railroad company, and by him, on request therefor, shall be by him delivered to the party or parties making the demand, in the same manner as provided by section 4 of this act for the delivery of a written designation of the location of a side-track to be constructed in accordance with such demand. The written election so made and delivered shall constitute a binding contract on the part of the railroad company and the party or parties desiring to erect such elevator or mill to permit the erection of such elevator or mill on its right of way at the place therein designated, provided such erection is commenced within sixty days from the date of such written notice of election and the elevator or mill completed within a reasonable time thereafter. In case the railroad company and the party or parties erecting such elevator or mill are unable to agree upon the compensation to be paid to the railroad company for the privilege of erecting and maintaining the elevator or mill upon the railroad right of way, the amount of such compensation shall be fixed and determined on the request of either party by the Board of Railroad Commissioners of this state, and an order of said Board of Railroad Commissioners in this regard shall have the same force and effect and be enforced in the same manner as an order fixing the compensation for the construction, maintenance and operation of a side-track made under section 6 of this act.

SEC. 8. All other acts or portions of acts in conflict herewith are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 351.—SESSION LAWS OF 1905.

Approved March 9, 1905.
Published March 23, 1905.

CONCERNING SIDE-TRACKS TO MILLS AND ELEVATORS.

AN ACT authorizing the Board of Railroad Commissioners to make certain orders relating to the construction of side-tracks, switches, and other facilities, providing for the enforcement of such orders, and prescribing penalties for the violation thereof.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. It shall be the duty of the Board of Railroad Commissioners, whenever a complaint and application shall be filed by any person or persons, company or corporation in this state, who

has erected any mill or grain elevator upon land abutting on the right of way of any railroad company in the vicinity of and not to exceed one-fourth mile from any regular way station on such railroad, whereby railroad switches, side-tracks and other facilities are necessary for the proper conduct of business by such person or persons, company or corporation, in and about such mill or grain elevator, requesting an order of said Board to require any railroad company, corporation, receiver or person operating any railroad in this state to construct any switches, side-tracks or other facilities at any point on the line of said railroad for the use and convenience of such person or persons, company or corporation, in the transaction of business with such railroad, to investigate such complaint, after giving proper notice to the railroad company interested; and such Railroad Commissioners, after such examination, shall make such orders as they shall deem necessary and proper in relation to the construction and maintenance of such switches, side-tracks and other facilities as in the judgment of said Board shall be necessary. That such railroad company shall not be required to build any such switches, side-tracks or other facilities on any land not belonging to such railroad company, but may be required to build any switch or side-track to the boundary of their right of way, the said switch or side-track there to connect with any extension thereof that the owner or owners of any mill or grain elevator may build at their own cost.

SEC. 2. It shall be the duty of every railroad company, and each and every officer, agent and employee of any railroad company or corporation, to obey all reasonable orders of the Board of Railroad Commissioners made under authority conferred by this act.

SEC. 3. For every neglect or refusal of any railroad company, corporation, receiver or person operating any railroad in this state to comply with any order of the Board of Railroad Commissioners made in pursuance of the foregoing provisions, the person or corporation so neglecting or refusing shall forfeit to the state of Kansas, for the benefit of the school fund, the sum of $100 for each day that any such order is neglected or disobeyed after the expiration of thirty days from the date of service of notice on the president, managing officer, superintendent, any member of the board of directors, or any station agent or person in charge of any office or station of such company, by the Board of Railroad Commissioners, of the making of such order, to be recovered by civil action in the name of the state, which action shall be prosecuted by the county attorney of the county in the district court of the county in which

such switch, side-track or other facility was ordered built by the said Board of Railroad Commissioners.

SEC. 4. In the hearing of any action begun in the district court to enforce and collect the penalties provided for a failure to obey any order of the Board of Railroad Commissioners, as provided in section 2 of this act, the court shall inquire into the reasonableness of the said order of the Board of Railroad Commissioners, and if the court shall find that said order, or any part thereof, is unreasonable, no penalty shall be adjudged against such company or corporation, receiver or other person operating said railroad for failure to obey that part of the said order of the Board of Railroad Commissioners found unreasonable. In any such judicial proceedings, the report and findings of the Board of Railroad Commissioners shall be deemed *prima facie* evidence as to every fact found, and the orders of said Board of Railroad Commissioners shall be deemed *prima facie* reasonable and just; but the findings of a part of said order to be unreasonable shall not affect in any way the part found to be reasonable, and the penalties herein provided shall be assessed against said railroad company, corporation, receiver or other person for disobedience of the part of said order found to be reasonable.

SEC. 5. In case any railroad company or corporation or any of its officers, agents or employees shall violate or shall refuse or fail to obey any such order lawfully made by the Board of Railroad Commissioners, any person or persons, company or corporation aggrieved thereby may institute and prosecute mandamus proceedings in the district court of the proper county to compel compliance with and obedience to such order. The practice in such cases shall be as in other cases of mandamus, but the court may control the time of trial without regard to the time issues are joined. Cases instituted under the provisions of this section may have precedence as to time of hearing over all other classes of cases except criminal cases. In such action the court may direct the railroad company or corporation affected thereby to comply with any part of any order of the Board, and may hold any part of the same unreasonable and refuse to enforce such part, without affecting the part found to be reasonable and just. Disobedience of any judgment, order or writ of the district court in any such proceedings shall be punished as in other cases of contempt. In addition to the general powers of the court to punish for contempt, the court shall have power to punish any refusal or failure to obey its orders, made under provisions of this section, by a fine of not to exceed five hundred dollars for each day after a day to be fixed

by the court that such disobedience or failure shall continue, or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment. The remedies provided in this section shall not be deemed to exclude or limit any other remedies provided by this act or existing by virtue of any other statute or the common law, but shall be in addition thereto.

SEC. 6. This act shall be in full force and effect from and after its publication in the official state paper.

CHAPTER 353.—SESSION LAWS OF 1905.

Approved February 10, 1905.
Published February 22, 1905.

FIXING MAXIMUM RATES FOR TRANSPORTATION OF CRUDE OIL.

AN ACT to establish maximum rates for the transportation of crude oil and the products thereof, to forbid rebates, and provide penalties for the violation thereof.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. From and after the taking effect of this act, it shall be unlawful for any common carrier in the state of Kansas to charge, exact or receive for the transportation of illuminating oil, gasoline, fuel oil, or crude petroleum, in cans, barrels, tanks, or tank-cars, between any points within the state of Kansas, in excess of the following rates for each 100 pounds:

Distance, miles.	Column 1, single-line rates.	Column 2, double-line rates.
6 and less	2.5 cts.	4.0 cts.
10 and over 6	3	4.5
15 " 10	3.5	5
20 " 15	4	5 5
30 " 20	4.5	6
40 " 30	5	6.5
50 " 40	5.5	7
60 " 50	6	7 5
80 " 60	6.5	8
100 " 80	7	8.5
125 " 100	7.5	9
150 " 125	8	9 5
175 " 150	8.5	9.5
200 " 175	9	10
225 " 200	9.5	10
250 " 225	10	10.5
Over 250	10.5	10.5

When distance is over 250 miles, in addition to above rates add below:

Distance, miles.	Rates.
50 and less	1.0 cts.
100 and over 50	2
150 " 100	3
200 " 150	4
250 " 200	5
300 " 250	5.5
Over 300	6

SEC. 2. The rates for each and every can, barrel or tank shall be computed on the actual weight of such can, barrel or tank and the contents thereof; the rate upon every tank-car shall be computed upon the contents of such tank-car, and every such tank-car shall be permitted to contain an amount equal to its full capacity. Every common carrier which shall fail or refuse to accept for shipment or to properly ship or deliver the products named in section 1 hereof. or which shall demand, exact or receive for such transportation or delivery any sum in excess of the rates herein made lawful, shall be liable to any person injured thereby in the sum of five hundred dollars as liquidated damages, to be recovered by action in any court of competent jurisdiction, together with a reasonable attorney's fee, to be fixed by the court.

SEC. 3. Provided that every such common carrier which shall, either directly or indirectly, give any rebate to any such shipper, or ship or agree to ship any of the products mentioned in this act for a rate less than that lawfully charged to other shippers under like circumstances, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than five hundred dollars, and forfeit its charter to do business in this state.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 356.—SESSION LAWS OF 1905.

Approved March 4, 1905.
Published March 15, 1905.

CONCERNING ELECTRIC AND OTHER WIRES WHEN CROSSING TRACKS.

AN ACT to regulate the stringing of wires, electric or otherwise, which cross over or under railroad tracks, and relative to the support, maintenance, repairing or reconstruction thereof.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The Board of Railroad Commissioners is given the power, and it is hereby made its duty, to prescribe reasonable rules and regulations with respect to the stringing of wires, electric or otherwise, which cross over or under the tracks of any railroad company, and with respect to the support, maintenance, repair or reconstruction thereof, which rules shall be furnished to any interested person upon application. But in no case shall the height of any wires which cross above the tracks of a railroad company be less than twenty-five feet from the top of the rails, except the trolley- and feed-wires of electric railroads, which wires shall be not less than twenty-two feet above the tops of the rails.

SEC. 2. If complaint is made to the Board of Railroad Commissioners by any interested party that wires extending over or under railroad-tracks are not properly placed, or are insecurely supported, or that the rules and regulations of the Board with respect thereto are being violated, it shall be the duty of the Board to cause an investigation of such complaint to be made, and, if it finds the complaint to be true, to make the necessary orders for the proper placing of said wires and the secure support thereof.

SEC. 3. It shall be the duty of every corporation or person to whom an order made by the Board of Railroad Commissioners under this act shall be directed to comply with such order in accordance with its terms, and for any neglect to comply therewith any such corporation or person shall be liable to a penalty of one hundred dollars, and to a like penalty for every ten days during which said neglect shall continue, which penalty shall be for the benefit of the school fund, and may be recovered in a civil action brought in the name of the state. The action may be prosecuted by the attorney-general in any county having jurisdiction, or by the county attorney of the county in which the wire or wires crossing the railroad-track shall be located.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 345.—SESSION LAWS OF 1905.

Approved March 4, 1905.
Published March 10, 1905.

CONCERNING FURNISHING OF CARS TO SHIPPERS AND TRANSPORTATION AND DELIVERY OF FREIGHT.

AN ACT relating to the transportation of freight by railroads and other common carriers, and amending section 5982 of chapter 84 of the General Statutes of 1901.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 5982 of chapter 84 of the General Statutes of 1901 be amended so as to read as follows: Sec. 5982. It shall be the duty of any railroad company to furnish suitable cars to any and all persons, without discrimination, who may apply therefor in good faith for the transportation of any and all kinds of freight, and to receive and transport such freight with all reasonable dispatch, and to provide and keep suitable facilities for the receiving and handling of the same at any station or public switch on the line of its road, and also to receive and transport in like manner the empty or loaded cars furnished by any connecting road, to be delivered at any station or stations on the line of its road, to be loaded or discharged, or reloaded and returned to the road so connecting; and for compensation it shall not demand or receive any greater sum than is accepted by it from any other connecting railroad for a like service.

SEC. 2. When the owner, manager or shipper of any freight of any kind shall make application in writing to any superintendent, agent or other person in charge of transportation of any railroad company, receiver or trustee operating a line of railway at any point that cars are desired upon which to ship any freight, it shall be the duty of such railroad company, trustee or other person in charge thereof to supply the number of cars so required at the point indicated in the application within a reasonable time thereafter, not to exceed six days from the receipt of such application, and shall supply such cars to the person or persons so applying therefor in the order in which such applications are made, without giving preference to any person; provided, if the application be for ten cars or less, the same shall be furnished in three days; and provided further, that if the application be for thirty cars or more, the railway company may have ten full days in which to supply the cars.

SEC. 3. Said application for cars shall state the number of cars desired, the place at which they are desired, and the time they are

desired; provided, that the place designated shall be at some station or public switch on the line of its road.

SEC. 4. When the cars are applied for under the provisions of this chapter, if they are not furnished, the railway company so failing to furnish them shall forfeit to the party or parties so applying for them the sum of one dollar per day for each car failed to be furnished, to be recovered in any court of competent jurisdiction, and all actual damages that such applicant may sustain.

SEC. 5. Such applicant shall, at the time of applying for such car or cars, deposit with the agent of the company one-fourth of the freight charges for use of such car or cars, unless the said railroad company shall agree to deliver said car or cars without such deposit. And such applicant shall, within forty-eight hours, computing from seven A. M. the day following the placing of the car or cars, after such car or cars have been delivered and placed, as hereinbefore provided, fully load the same, and, upon failure to do so, he shall forfeit and pay to the company the sum of one dollar per day for each car not used, while held subject to the applicant's order; provided, that where applications are made on several days, all of which are filled on the same day, the applicant shall have forty-eight hours to load the car or cars furnished on the next application, and so on; and the penalty prescribed shall not accrue as to any car or lot of cars applied for on any one day until the period within which they may be loaded has expired. And if the said applicant shall not use such cars so ordered by him, and shall so notify the said company or its agent, he shall forfeit and pay to the said railroad company, in addition to the penalty herein prescribed, the actual damages that such company may sustain by the said failure of said applicant to use said cars; provided, that if any applicant shall elect to order cars without a deposit, as provided in this section, neither party shall be liable for the penalties prescribed in this and the preceding section.

SEC. 6. When a car or cars are promptly loaded and shipping instructions given, the railroad agent must immediately receive the same for shipment and issue bills of lading therefor, and whenever such shipments have been so received by any railroad company, such shipments must be carried forward at the rate of not less than fifty miles per day of twenty-four hours, except Sundays, computing from seven o'clock A. M. the day following receipt of shipment. This shall not be construed to authorize such fifty miles per day as a proper and legal rate of speed for the transportation of live stock and perishable freight, nor release the railroads from any liability

for their negligence in failing to handle such shipments at a prompt and reasonable rate of speed. And for failure to receive and transport such shipment within the time prescribed, the railroad company so offending shall forfeit and pay to the shipper the sum of five dollars per day, Sundays excepted, or fraction thereof, on all car-load freight, and five cents per 100 pounds per day or fraction thereof on freight in less than car-loads, with minimum charge of five cents for any one package, upon demand in writing by the shipper or other party whose interest is affected by such delay; provided, that in computing the time of freight in transit, there shall be allowed twenty-four hours for each transfer from one railroad to another. The period during which the movement of freight is suspended on account of accident, or any cause not within the power of the railroad company to prevent, shall be added to the free time allowed herein and counted as additional free time.

SEC. 7. Railroad companies shall, within twenty-four hours after arrival of shipments, give notice by mail or otherwise to consignee of the arrival of shipments, together with the weight and amount of freight charges due thereon; and in no case shall any railroad company collect freight charges on any car-load shipment in excess of the actual weight; provided, that such weight is not less than the minimum weight prescribed in the carrier's schedule and tariff covering such shipment; and where goods or freight in car-load quantities arrive, such notice shall contain also letters and initials of the car or cars, number on car or cars, and, if transferred in transit, the number and initials of the car in which originally shipped. Any railroad company failing to give such notice shall forfeit and pay to the shipper or other party whose interest is affected the sum of one dollar per car per day or fraction of a day's delay on all car-load shipments, and five cents per hundred pounds per day, or fraction thereof, on freight in less than car-loads, with minimum charge of five cents for any one package after the expiration of free time; provided, that not more than five dollars per day be charged for any one consignment not in excess of a car-load; provided further, that the railroad company may collect from the consignee a storage charge on less-than-car-load shipments of five cents per hundred pounds per day, with minimum charge of five cents for any one package, for each day after forty-eight hours after giving notice of arrival of a shipment the consignee allows it to remain in the possession of the railroad company.

SEC. 8. Railroad companies shall deliver freight at their depots or warehouses, or, in the case of shipments for track delivery, shall

place loaded cars at an accessible place for unloading within twenty-four hours after arrival, computing from seven o'clock A. M. the day following arrival of same; except that car-load shipments for track delivery at local stations having not more than one team track shall be placed at an accessible point for unloading by the conductor of the train on which the car arrives. The consignee shall be paid one dollar per car per day each day or fraction of a day such delivery is so delayed.

SEC. 9. All loaded cars taking track delivery, which are to be unloaded by the consignee thereof, or the party whose interest may appear, shall be limited to forty-eight hours of free time, computed from seven o'clock A. M. of the day following the day legal notice of arrival is given (having been placed at an accessible point for unloading), and may be subject thereafter to a charge of one dollar per car for each day or fraction of a day that they may remain loaded in possession of the railroad company after said free time; provided, however, that if, after placing a car or cars, as required in this section, the railroad company shall, during or after free time, temporarily remove all or any of them, or in any way obstruct the unloading of same, the consignee shall not be chargeable with the delay caused thereby; provided, that when, on account of delay or irregularity in transportation, cars are bunched and delivered to consignee in numbers beyond his reasonable ability to unload within the free time prescribed in these rules, he shall be allowed by the carrier such additional time as may be necessary to unload cars so in excess by the exercise of usual diligence on the part of the consignee.

SEC. 10. It shall be necessary for the party or parties bringing suit against any railroad company under the provisions of this law to show by evidence that he or they had on hand at the time any demand for cars was made the amount of grain or freight necessary to load the cars so ordered; provided, that the provisions of this law shall not apply in cases of strikes, unavoidable accidents, or other public calamity.

SEC. 11. Original section 5982 of chapter 84 of the General Statutes of 1901, being section 22 of chapter 286 of the Laws of 1901, is hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its publication in the official state paper.

CHAPTER 348.—SESSION LAWS OF 1905.

Approved March 4, 1905.
Published March 10, 1905.

TO STOP CERTAIN TRAINS IN NEOSHO COUNTY.

AN ACT relating to the stopping of passenger-trains for receiving and letting off passengers at stations in towns and cities in Neosho county, Kansas, having a population of 1000 or more.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all trains carrying passengers, except as hereinafter provided, shall stop so as to receive and let off passengers at the regular station in each town and city in Neosho county, Kansas, having a population of 1000 or more; provided, that said trains shall not be required to stop at such times when there are no passengers to be received or let off; and provided further, that this act shall not apply to special and chartered trains.

SEC. 2. That the State Board of Railroad Commissioners is hereby directed and authorized to see that this act is enforced.

SEC. 3. That this act shall take effect and be in force from and after its publication in the official paper.

RULES OF PRACTICE BEFORE THE COMMISSION.

REGULAR SESSIONS.

I. The regular sessions of the commission will be held at its office in the capitol building, in the city of Topeka, on Tuesday of each week, commencing at the hour of ten o'clock A. M., and continuing from day to day until the business of the commission is completed, unless an adjournment is had for good and sufficient reason.

Special sessions will be held at such times and places as the Board deems expedient; reasonable notice thereof to be given all interested parties.

At such regular sessions all contested cases will be heard where manifest injustice would not be done to the contesting parties or the expenses of the investigation be too great, in which event the commission may adjourn to such locality within the state as will cheapen the expenses of the controversy and furnish the commission with the necessary facts upon which to base a decision.

Complaints may be filed with the commission at any time, and will be heard as soon thereafter as justice may require.

Continuance of any hearing may be ordered by the commission for any cause by them deemed reasonable and satisfactory.

The place of holding an investigation may be changed by the commission when, in their opinion, substantial justice will be promoted, and upon notice to the parties interested.

PARTIES.

II. Complaints will be recognized and considered only when filed and presented by some person or persons, company or corporation financially interested in the settlement or adjustment of the question or questions involved in the controversy, or in cases where provision is made by law for complaints being filed by the attorney of the Board or other officers.

Where a complaint properly made and by a proper party concerns only an act done or omitted by a single carrier, no others need be made parties; but if such complaint relates to joint tariffs or matters

under which two or more carriers doing business under a common control, management or arrangement for a continuous carriage or shipment are interested, or where individual and independent carriers receive shipments from each other, and there is cause of complaint by reason of the rate or rates charged or in the accommodations given, then and in each and all of said cases all the carriers constituting such line, or such individual or independent carriers, must be made parties, and notice of such complaint must be served upon each and all of them, as hereinafter provided.

When a complaint embraces a question in which several carriers or lines of carriers, operated separately, are interested, then all such carriers, persons and lines of carriers shall have reasonable notice of the pendency of such complaint and be allowed to appear in person or by attorney and defend against said complaint.

The right to intervene, answer or plead in any proceeding before the commission, and to be heard upon any question involved in any investigation or controversy, is hereby given to any carrier not a party to the proceedings, upon such terms and conditions as the commission may deem equitable and just, or the commission may, in its discretion, deny such privilege to such carrier; and such right to intervene can only be granted when the controversy involves a purely public question, and not when it relates or refers to a single carrier, or rates or accommodation between local points.

COMPLAINTS.

III. All complaints must be made in writing and subscribed by the party, parties, company or corporation, or their agent, attorney or lawful representative, and must state in plain and concise language the nature of the grievance and a demand or prayer for the relief desired.

ANSWER.

IV. The answer shall be in writing, stating and setting forth in plain and concise language the reason why the prayer of the complainant should not be allowed, and must be filed with the commission within ten days from the date of the service of the notice hereinafter provided, except in the following cases: For complaints against railroad companies for failure to furnish cars, and for failure to move loaded cars, answer must be filed immediately upon receipt of copy of complaint; and in such cases railroad companies are requested to take the matter up with their agents and officers by telegraph.

For good cause shown, the commission may allow answer to be filed after the expiration of the time aforesaid, but the same shall not operate to delay the hearing upon the complaint.

SERVICE.

V. Upon proper complaint being filed with the commission, the secretary of the commission shall forthwith cause a copy or copies of the same to be made, and prepare a notice or notices signed by himself, and serve the same upon the party or parties complained of, which notice shall be attached to the copy of the complaint, and served upon the party, parties, company or corporation as provided by law.

Upon the filing of the answer the secretary will at once cause a copy thereof to be made, and mail the same to the petitioner or complainant.

AMENDMENTS.

VI. Upon application by any petitioner or party, amendments may be allowed by the commission in its discretion to any petition, answer or pleading in any proceeding before the commission.

EXTENSION OF TIME.

VII. Extension of time may be granted by the commission in its discretion in which to plead or file any paper in any proceeding or do any act necessary to be done, upon application of any party to the proceeding.

STIPULATIONS.

VIII. The parties to any proceeding before the commission may stipulate in writing and agree upon the facts, or any portion thereof, involved in the controversy, and such stipulation shall be considered and regarded as evidence at the hearing.

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